OVERSIGHT ON THE NATIONAL FIRE ACADEMY AND FIRE SAFETY EQUIPMENT FOR HEARING-IMPAIRED INDIVIDUALS

HEARING

BEFORE THE

SUBCOMMITTEE ON
SCIENCE, RESEARCH AND TECHNOLOGY

OF THE

COMMITTEE ON
SCIENCE, SPACE, AND TECHNOLOGY
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

SEPTEMBER 13, 1990

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OVERSIGHT ON THE NATIONAL FIRE ACADEMY AND FIRE SAFETY EQUIPMENT FOR HEARING-IMPAIRED INDIVIDUALS

THURSDAY, SEPTEMBER 13, 1990

House of Representatives,
Committee on Science, Space, and Technology,
Subcommittee on Science, Research and Technology,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:10 a.m., in room 2318, Rayburn House Office Building, Hon. Tim Valentine [chairman of the subcommittee] presiding.

Mr. Valentine. Welcome. We have a vote, but before we suspend for that, I thought I would undertake to burden you with my opening statement.

Welcome today to this oversight hearing on the National Fire Academy—NFA—and research on fire safety equipment for hearing-impaired individuals.

The NFA was created by the Federal Fire Prevention and Control Act of 1974 to provide top level training to fire officers in local communities. The management of the National Fire Academy, the quality of its programs, and the attitude of the parent agency regarding the NFA have been issues for many years.

The goal of this hearing is to seek solutions to some of the problems that exist at the NFA, not just to point fingers at the problems. The NFA is too valuable to lose to poor management, lack of leadership, or other problems that have surfaced. The fire fighters of this country and the public they serve deserve the best fire academy that can be provided. We have an obligation to ensure that the National Fire Academy is well managed and the highest quality programs are provided to the fire community.

The committee will also review progress toward developing fire safety equipment for hearing-impaired individuals. The hearing-impaired population of the U.S. consists of about 21 million individuals. The Fire Act authorization for fiscal years 1989-1991, Public Law 100-476, required the U.S. Fire Administration to prepare a report on the status of fire safety equipment for the hearing-impaired population. The report found that more research and testing was needed to develop emergency alerting devices that can wake hearing-impaired individuals. The most common device now available, strobe lights, will not awaken all individuals in all circumstances, of course. The best fire safety equipment should be available to every segment of our population, including hearing-impaired individuals.

I applaud the efforts of our first panel for their research in this area, and we look forward to your testimony, and I welcome all of you here and recognized our distinguished colleague, Congressman Boehlert from New York.

Mr. BOEHLERT. Thank you very much, Mr. Chairman.

It is a pleasure to be here this morning to discuss one of the most important, if little noticed, issues this committee deals with, fire protection. We have already made great progress in this area this week with the long overdue final passage of the Hotel and Motel Fire Safety Act, H.R. 94. I want to thank you, Mr. Chairman, and all the members of this subcommittee and the full committee and many of the people here in this room for being so magnificent in your support for this initiative. I am really proud of it, and we are working right now with the White House to get a signing ceremony under way. Today's hearing should set the stage for further progress.

The witnesses on our first panel have some of their own progress to report. I am pleased that work on alarm devices for the deaf, which this committee helped set in motion a few years back, is beginning to bear fruit. The second and third panels will deal with the National Fire Academy, which will continue to make progress only if Congress ensures that the Academy receives the necessary support from FEMA and that effective management is installed.

Frankly, for too many years we on this committee had to spend so much time protecting the Academy's budget and its basic mission that we did not have enough time to evaluate and improve its performance. Now the time for evaluation is upon us. We need to remedy a wide variety of problems caused by slipshod management and FEMA gamesmanship to ensure that the Academy continues to accomplish its mission. Its mission, let's recall, is saving lives. There is none more important.

Thank you very much, Mr. Chairman.

Incidentally, I would like to apologize to some of our later panelists. At 11:15, I have to be in a markup in the Aviation Subcommittee on another very important safety matter dealing with aviation security and safety as a result of the tragedy of Pan Am flight 103. So I will take leave at about 11:15, not because of a lack of interest in the subject matter here but because that is a markup and I can read all the testimony a little bit later as we deal with this subject matter.

Thank you.

Mr. VALENTINE. Thank you.

We will suspend and be back as soon as we can following this vote.

[The prepared opening statement of Mr. Costello follows:]

OPENING STATEMENT
BY U.S. REP. JERRY F. COSTELLO, ILLINOIS
COMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY
SUBCOMMITTEE ON SCIENCE, RESEARCH AND TECHNOLOGY
HEARING ON THE NATIONAL FIRE ACADEMY AND FIRE SAFETY EQUIPMENT FOR HEARING-IMPAIRED INDIVIDUALS
SEPTEMBER 13, 1990

Mr. Chairman, this hearing focuses on ways to strengthen the programs of the National Fire Academy and a project to develop fire safety equipment for hearing-impaired individuals.

The National Fire Academy provides firefighter the necessary training to individuals so they can return to their home state and protect local citizens. There is no question of the importance of the academy, but, we must look very closely at the effectiveness and the quality of its programs.

This hearing will also give us the opportunity to discuss the research that is taking place today on fire equipment. It is essential that safety equipment be available to every segment of our population, including the hearing-impaired.

Mr. Chairman, I thank you for giving our witnesses the opportunity to testify before us.

Mr. VALENTINE. Welcome, ladies and gentlemen. We are ready for the first panel.

I understand that Mr. Scott Edwards, who appears, will not be with us today, but we do have Mr. Rocco J. Gabriele, who is the State fire marshal for the State of Maryland, accompanied by Ms. Peggy Webb, project manager, Fire Safety Awareness Program, Soroptimist International of Frederick County, Maryland, and Mr. James R. Beyreis, vice president, Engineering-Fire Protection Division, Underwriters Laboratories, Inc., of Northbrook, Illinois, accompanied by Mr. Keith Mowry, assistant to the vice president, Governmental affairs, Underwriters Laboratories, Incorporated.

Welcome, ladies and gentlemen.

Your prepared statements will appear in the record as submitted to us, and we would appreciate it if you would please summarize.

Mr. Gabriele.

STATEMENTS OF ROCCO J. GABRIELE, STATE FIRE MARSHAL OF MARYLAND, ACCOMPANIED BY PEGGY WEBB, PROJECT MANAGER, FIRE SAFETY AWARENESS PROGRAM, SOROPTIMIST INTERNATIONAL OF FREDERICK COUNTY, MARYLAND; AND JAMES R. BEYREIS, VICE PRESIDENT, ENGINEERING-FIRE PROTECTION DIVISION, UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS, ACCOMPANIED BY KEITH MOWRY, ASSISTANT TO THE VICE PRESIDENT, GOVERNMENTAL AFFAIRS, UNDERWRITERS LABORATORIES, INC.

Mr. GABRIELE. Thank you, Mr. Chairman.

My name is Rocco Gabriele. I am the State fire marshal for the State of Maryland. I also represent some 1,500 members of the Fire Marshals Association of North America who are State provincial and local fire marshals across the United States, where I sit on the Executive Committee for that Association, and I have also been asked to represent the National Association of State Fire Marshals, a newly chartered organization who are concerned with national and State level issues. Both organizations are concerned with the issues that we are talking about here today.

Let me express my gratitude on behalf of myself and the office of the State Fire Marshal for the opportunity to be here today to discuss the issue of smoke detectors for the hearing impaired. I appreciate very much this opportunity.

Very briefly, the Fire Marshal's Office in Maryland has a myriad of responsibilities that go from fire investigations to bomb squad responsibilities. One of the primary responsibilities that we have is in the area of fire prevention and public safety education. We have been experiencing deaths in Maryland, fire deaths in Maryland, at the rate of approximately 127 fire deaths per year in a State whose population is 4.2 and just recently raised to 4.4 million. We think that is high, and we have been working very hard to try to decrease that number, and I am proud to say to you that in 1989 that number was decreased to 87 because of the hard work by the whole Fire Service and fire safety community in Maryland.

The issue we are talking about here today started because of a program that came out of the United States Fire Administration in cooperation with the National Criminal Justice Association, and that project was called National Community Volunteer Fire Prevention Program, or Project, and the idea behind that whole program was to involve a community-based organization in fire prevention.

Prior to this time, it has been thought that the whole responsibility for fire prevention and fire safety is the responsibility of the Fire Service, and here was a new concept coming out of the United States Fire Administration that said we ought to get other people involved and form partnerships against fire.

As a result of that, Maryland was chosen because of our high death rate risk in Maryland, and we were given a grant to look into three areas: problems in the urban area, problems in the suburban area, and problems in the rural area. I was fortunate enough to pick three very successful programs which could be replicated and which are being replicated across the United States today. The one that I want to talk to you about today has to do with the smoke detectors for the hearing impaired.

One of the organizations that we chose was the Soroptimist International of Frederick County, Maryland. They proposed to do a program, a fire safety program, to address the problems of fire safety for the elderly, and they did it in a very unique way, and the first year was very successful. The young lady sitting next to me, Peggy Webb, is a member of that organization, and during the first year of that grant what they learned was that there is a whole community of people, and I was astounded to hear that that community of the hearing impaired, the deaf, the hard of hearing are as many as 21 million people across these United States that did not have the same opportunity that the rest of the population of this country has when it comes to early warning devices—smoke detectors.

Because of the effort that they put forth in the original part of their program, Ms. Webb came back to us and said she would like to put her efforts into that area of smoke detectors for the hearing impaired, and I have got to tell you that she has worked very hard. We gave her the opportunity, and she took the ball and she ran with it.

One of the things that Peggy learned very early on was, she had to work hard to gain the confidence of the hearing-impaired community. They were rather skeptical about somebody coming in to do something for them, and I must say, she has done something for them. As a result of her efforts, we now have a project working towards a smoke detector for the hearing impaired.

Let me give you an idea of some of the problems that I have as a State fire marshal in Maryland. The statutes in Maryland said we must provide for the hearing impaired a smoke detector which has been tested and listed by a nationally recognized testing laboratory. There is no such device in this country, not in Maryland, not anywhere in these United States. To this day, there is no such device.

So the project that they are working on is extremely important, extremely important, just to give these 21 million people 30 seconds of opportunity to get out of a building that they may be in that is on fire, 30 seconds. We used to think that there was two to two and a half minutes, but we know now that a smoke detector provides only 30 seconds of early warning, and these people don't even have that kind of early warning.

What Peggy has done is, she has solicited—I suppose is the best word—the cooperation of the Underwriters Laboratory, and they have taken upon themselves to work on testing and listing a device for the hearing impaired.

Now, one of the things we learned that makes this whole issue very complicated is—and yours truly thought very sincerely that the only thing they really needed was a strobe light. If we could figure out a light to warn these people, then we would be home free. The fact is, that is not true. There are other devices that they require and that they have used, and they have jerry-rigged devices to help them. They need strobe lights, they need vibration devices, and some of them need even devices that create air to warn them that a sound alarm has gone off.

I guess our major concern is, yes, we have UL working on it, and we are very, very pleased with that effort that they are doing. We would like to see the entrepreneurs who are out in these United States to develop a device to incorporate all three of those kinds of warning devices for the hearing impaired; give them every opportunity that every other able-bodied person in these United States has for early warning.

My plea here is a dual plea. Number one, I would like to encourage the Congress to continue to fund the National Community Volunteer Fire Prevention Program, because without that seed money this effort that you are hearing today would have gone nowhere, we would have never addressed the issue; and I guess secondly is to encourage those entrepreneurs, those testing laboratories, to continue to come out with the devices that will help these people. If you can do that, then maybe—maybe we can still continue to decrease the number of deaths across the United States. There are still 6,000 people a year dying in the United States. We don't even know, we have no idea at all, how many of them are hearing impaired; we don't know. I had no idea that we had 21 million people in this country that are hearing impaired.

The Congress, this committee, the laboratories can do a lot in the effort that Peggy Webb and the Soroptimists International of Frederick County started, if they can just continue that kind of funding and the kind of interest that you have put into this area.

Thank you very much.

[The prepared statement of Mr. Gabriele follows:]

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TESTIMONY OF ROCCO J. GABRIELE,
MARYLAND STATE FIRE MARSHAL
BEFORE THE SUBCOMMITTEE ON SCIENCE, RESEARCH AND TECHNOLOGY
THURSDAY, SEPTEMBER 13, 1990

Chairman Valentine, members of the Subcommittee on Science, Research and Technology, my name is Rocco J. Gabriele, Fire Marshal for the State of Maryland. I also represent some 1,500 members of the Fire Marshals Association of North America (FMANA) where I am a member of the Executive Committee. The F.M.A.N.A is an International Association comprised of State, Provincial and local fire marshals. I also have the privilege of representing the National Association of State Fire Marshals (NASFM) an organization of State fire Marshals concerned with National and State issues. Both organization are very much aware of and concerned about the subject we are here to discuss today.

It is a pleasure for me to come before you today to provide information to this committee regarding two very important questions. First, what prompted the Office of the State Fire Marshal from the State of Maryland to become involved in research on fire safety equipment for hearing-impaired individuals?; and secondly, what needs to be done to better protect hearing-impaired individuals from fire?

I would first like to provide some background as to the functions and responsibilities of the Maryland State Fire Marshal's Office. The Agency is a part of the Department of Public Safety and Correctional Services for the State of Maryland, and we serve a population of approximately 4.4 million people. The office has a variety of very critical responsibilities including the investigation of fires and explosions throughout the State, fire prevention code enforcement and fire safety inspections across the state, the responsibility for fire prevention and fire safety education in Maryland, the responsibility to collect, analyze and disseminate fire data and statistical information from the nearly 400 fire departments both career and volunteer, throughout the State of Maryland. The office reviews plans, examines standards and reviews fire protection technology for use in our State. We are responsible for the licensing and regulation of explosives and fireworks for use in the State of Maryland, and several other ancillary functions which we provide to our citizens and to the fire service in the State of Maryland.

One of our major responsibilities is fire prevention and fire safety education for our citizens. In 1985, the U.S. Fire Administration working in conjunction with the International Society of Fire Service Instructors, and the National Criminal Justice Association, initiated a program to impact on the fire problems in the country, at the local level. The project was called The National Community Volunteer Fire Prevention Program, which brought together civic organizations, business individuals, fire service personnel, fire marshals, fire safety specialists, interested citizens, members of the media, and elected officials, to form a coalition or "Partnerships Against Fire" effort to address the fire problems at the State and local levels. The purpose of this program was to provide seed money to an interested community group to develop a fire prevention program which would eventually be totally funded by the community group and the program could be replicated and distributed throughout the United States.

Due to the high risk of fire deaths for the citizens of Maryland, Maryland was one of the first 20 states selected to begin the National Community Volunteer Fire Prevention Program (NCVFPP). Under the directions of the grant, the State Fire Marshal was selected by then Governor Harry Hughes, as the state point of contact and coordinator for the grants which were received in the State of Maryland.

There were three areas for which grant funds from the U.S. Fire Administration were received. An urban grant of $25,000, a suburban grant of $25,000, and a rural grant of $10,000. Three community based groups were selected and I might say proudly, all three (3) programs were successful. I selected, following a review by my staff, the Soroptimist International of Frederick County Maryland to receive the $10,000 rural grant, to develop fire safety programs for the elderly in Frederick County Maryland. The Soroptimist members worked very hard and long hours to see their first year program become successful. One of the members, Mrs. Peggy Webb, also found that there was a tremendous fire safety issue which had not been addressed in this State nor in any other state! That problem was fire safety for hearing impaired individuals.

Mrs. Webb requested in the summer of 1987, that the Office of the State Fire Marshal to consider allowing the Soroptimist International of Frederick County to pursue the goal of improved fire safety for hearing impaired individuals through a listed and tested smoke detector from a nationally recognized testing laboratory for hearing-impaired individuals. As of that time, and as a matter of fact as we speak, there has not yet been a smoke detector manufactured that has been tested and listed by a nationally recognized testing laboratory for electrical appliances, and placed on the market for hearing impaired individuals. A community which includes millions of people in this country.

I saw the dedication and the desire put forth by the Soroptimist International of Frederick County in the first year of their grant, and I chose to recommend to the National Criminal Justice Association who was administering the grant, that this project be picked up and worked on by the Soroptimist International of Frederick County.

In the last two years Mrs. Peggy Webb has spent hundreds and hundreds of hours working with members of the hearing impaired community. The hearing impaired community was very cautious when originally contacted and were somewhat skeptical about Mrs. Webb's role. She worked very hard to gain their confidence. She has lobbied individuals at the State and National levels to take action to see that a smoke detector is designed, tested and listed which provides optimum benefit and dramatically increases the measure of fire safety for hearing-impaired individuals. Mrs. Webb contacted Mr. Joseph Bhatia, Vice President, Governmental Affairs Underwriter's Laboratories Incorporated of Washington D.C. to get the Underwriter's Laboratories involved in this effort.

At this time Underwriter's Laboratory is testing and preparing a standard for a smoke detector for hearing impaired individuals which activates a light. This is a beginning. If the project is to be brought to a successful conclusion, research must continue to develop a device which will activate not only light, but a vibration device and an air warning device.

Had it not been for the initial grant provided from the United States Fire Administration and the development of the National Community Volunteer Fire Prevention Program back in 1985, Mrs. Webb and the Soroptimist International of Frederick County Maryland would not have had the opportunity to make the gains that have been made in fire safety for hearing impaired individuals not only in the State of Maryland but in the United State of America and perhaps world wide!

I truly believe that it was only through the funding provided by the United State Fire Administration and the commitment made at the state and local level that this effort has proved successful.

We have not completed our task, but have come a long way towards improving fire safety for hearing impaired individuals. In a few moments you will hear from Mrs. Webb.

What needs to be done to better protect hearing impaired individuals from fire? This is a very difficult question to provide a single answer to. Many things must be done, but it all starts with an awareness that we do have millions of citizens throughout our country who are less able if that is the correct term, to protect themselves from fire because they are hearing impaired. We need smoke detectors for hearing impaired individuals, we need fire alarm systems in buildings that provide a warning other than a bell to alert hearing impaired individuals. We need more sensitivity among employers, the business community and citizen alike that hearing impaired individuals will need assistance to survive a fire should one occur in a building in which they are located.

I truly believe that funding for the United States Fire Administration is crucial to help foster programs which can improve fire safety for hearing impaired individuals and other citizens from all walks of life. No, I do not believe that the issue of fire safety is solely a federal issue and a federal responsibility. This is a shared responsibility of the Federal Government, State Government, and local Government. We have done a tremendous amount with the few dollars received from the federal government and we have

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fostered fire safety for the elderly and fire safety for hearing impaired individuals in our state through the National Community Volunteer Fire Prevention Program. I am very proud to say, we have been very successful in our endeavors.

I am not happy that it has taken nearly three years to see smoke detectors for the hearing impaired being developed and tested by Underwriter's Laboratories Incorporated. I believe that there has been a certain amount of bureaucracy and red tape which unfortunately has had to be circumvented by Mrs. Webb and the Soroptimist International of Frederick County in order to reach their goal of a listed smoke detector for hearing impaired individuals. I would hope that in the future, the United States Fire Administration, the fire service community, private industry, the state and local governments, can better work together to identify, and solve the fire safety problems facing this nation. Without a partnerships effort, we will spin a lot of wheels, waste a lot of time, and worse yet waste a lot of tax payers money before we obtain our goal.

Thank you very much Mr. Chairman for this opportunity to be here today and provide testimony to this subcommittee. I would be more than happy to answer any questions that members of the committee may have. Thank you very much.

Mr. VALENTINE. Thank you, sir.

Mr. Beyreis.

Mr. BEYREIS. Thank you, Mr. Chairman.

My name is Jim Beyreis, and I am vice president and chief engineer of Underwriters Laboratories, Incorporated. Underwriters Laboratories is an independent, not-for-profit, product safety certification organization. The familiar "UL" in a circle mark of Underwriters Laboratories appeared on more than seven billion products introduced into United States commerce last year.

One of the more important activities on UL's agenda is the writing of standards for safety which are used voluntarily by manufacturers, regulatory authorities, and the Federal Government. This morning, I want to briefly summarize a special research project that has been under way at UL to help develop a new standard to help the hearing impaired. The project enjoys the strong support and interest of the United States Fire Administration, the National Electrical Manufacturers Associations, the Soroptimists, and others. Through its financial assistance and participation, the United States Fire Administration is helping to solve a significant problem in the fire area through this research.

Now I want to make the point that the basic technology for smoke detectors has long been in place such that smoke detectors have become literally a household item. The problem in the present context is that those devices rely on an audible alerting mechanism in order to cause alert to occur, and for the hearing impaired this makes such devices useless.

This particular problem prompted Peggy Webb, who is with us here this morning, as a prime mover as project manager for fire safety awareness for the Soroptimists International, to ask Underwriters Laboratories to initiate a research study. Through her efforts, we gathered a group together on March 25, 1988, just a little over two years ago, to begin to collect information and get an effort under way to develop the work which is now nearing completion. As a result of that meeting, a three-phased research plan was developed to develop the necessary information ultimately leading to the adoption of a standard.

In the research work, in its first phase, UL identified four alerting mechanisms that might be considered under the research project. These included flashing lights, air movement, vibrational devices, and odor-releasing devices.

Now, immediately it is readily apparent that any of these mechanisms can serve to cause the alert of an individual. What was not known at the beginning of this work is such things as: Just how bright does the light need to be? Does it need to be directly impacting on an individual? Can it bounce off the walls? Is there a flash rate that is required? Are there subsidiary effects that might occur that are undesirable? such as, it has been suggested that certain flashing light arrangements can cause epileptic seizures to occur.

UL conducted field work in this research with the help of people in the hearing-impaired community through homes and institutions where people live as well as in private residences. From the research, we have done such things as determine both the daytime and nighttime light intensities for indirect signaling, flashing devices, and nighttime levels that are required in order to awaken sleeping individuals to the existence of an alarm condition.

We have also studied air movement, considering such things as the velocities that are required, the placement, the impact and interference of ongoing air movement in a residence or in an environment due to heating and air conditioning effects. From this we have extracted some parameters that are appropriate to air moving devices.

Similarly, in looking at vibrating devices, we have learned that there are certain amplitudes or distances that vibrating devices need to move and shake in order to rouse a sleeping individual, the frequency that is required, the driving characteristics that are required in order to assure that such devices don't overheat and cause ignition of bedding materials and so forth, as has been demonstrated is possible under certain circumstances.

And so, as well as deriving the characteristics that are necessary to cause an alert to occur, we also want to be sure that we have identified those characteristics which need to be addressed to be sure that these can be used safely without introducing other harmful effects.

In taking a look at odor as a means of alerting, we have found that there has been very little use of this means. At least, we have not been able to identify much, and so it was relegated in this study to a paper study to consider some of the mechanisms that would be appropriate and, if this is of further interest, can be studied in more detail in future research work.

Now that this research has helped to identify the needed characteristics for these alerting means, UL will continue its plan to develop a national standard for alert mechanisms for the hearing impaired. We expect that this standard will be available and on the street no later than the middle of next year, thanks to the help of a number of groups who we expect will continue to work with us, including the United States Fire Administration, the National Electrical Manufacturers Association, the Soroptimists, and members of the hearing-impaired community.

I would like to thank the subcommittee for the opportunity to briefly describe this research project and for helping to call attention to this very worthwhile activity.

[The prepared statement of Mr. Beyreis follows:]

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STATEMENT OF

UNDERWRITERS LABORATORIES INC.

ON

"FIRE SAFETY EQUIPMENT FOR HEARING-IMPAIRED INDIVIDUALS"

BEFORE THE

SUBCOMMITTEE ON SCIENCE, RESEARCH AND TECHNOLOGY

HOUSE SCIENCE, SPACE AND TECHNOLOGY COMMITTEE

SEPTEMBER 13, 1990

An independent,
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testing for public safety

UNDERWRITERS LABORATORIES INC., ALSO KNOWN AS UL, IS AN INDEPENDENT, NOT FOR PROFIT ORGANIZATION DEDICATED TO TESTING PRODUCTS FOR PUBLIC SAFETY. OUR FAMILIAR MARK, THE UL IN A CIRCLE, APPEARED ON OVER 7 BILLION INDIVIDUAL PRODUCTS BROUGHT TO THE US MARKET IN 1989.

THE FOLLOWING STATEMENT IS A SUMMARY OF A SAFETY RESEARCH PROJECT UNDERWAY AT UL THAT ENJOYS THE STRONG SUPPORT AND INTEREST OF THE UNITED STATES FIRE ADMINISTRATION, NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION AND OTHERS. THROUGH ITS FINANCIAL ASSISTANCE AND PARTICIPATION, THE USFA IS HELPING TO SOLVE A SIGNIFICANT PROBLEM IN THE FIRE AREA THROUGH THIS RESEARCH. THE EFFORT UNDERWAY IS AN INVESTIGATION OF METHODS OF ALERTING THE HEARING IMPAIRED TO THE EXISTANCE OF A FIRE CONDITION. BUT THE TRUE BEGINNING OF THIS SUBJECT LIES FARTHER IN THE PAST.

ONE VERY SIGNIFICANT ADVANCE IN THE BATTLE AGAINST DEATH AND INJURY ASSOCIATED WITH FIRE IS THE SINGLE STATION SMOKE DETECTOR. SINCE THEIR INTRODUCTION IN THE 1970s THE UNIT PRICE FOR SINGLE STATION SMOKE DETECTORS HAS DROPPED FROM $80 TO LESS THAN $10 AND THESE FIGURES DON'T FACTOR IN INFLATION! IN ADDITION, THE RELIABILITY AND DURABILITY OF THESE UNITS HAS INCREASED OVER THE SAME TIME PERIOD. THE RESULT IS THAT SMOKE DETECTORS EXIST IN AN ESTIMATED 75% OF AMERICAN HOMES AND AN AVERAGE ANNUAL REDUCTION OF 3000 FIRE DEATHS HAS BEEN ACHIEVED SINCE THE LATE 70s.

THE COMMERCIAL AVAILABILITY AND ECONOMIC ATTRACTIVENESS OF SINGLE STATION SMOKE DETECTORS PLAYED A KEY ROLE IN THESE REDUCTIONS IN FIRE DEATHS. ONE IMPORTANT FACTOR IN BRINGING ABOUT THE PRICE AND PERFORMANCE IMPROVEMENTS WAS THE EXISTANCE OF A NATIONALLY RECOGNIZED SAFETY STANDARD FOR SMOKE DETECTORS. THE STANDARD DEFINED THE LEVELS OF PERFORMANCE NECESSARY FOR A SMOKE DETECTOR TO ALERT RESIDENTS OF A FIRE CONDITION WITH ENOUGH TIME REMAINING FOR ESCAPE. INDEPENDENT SAFETY CERTIFICATION OF ACTUAL PRODUCTS TO THE STANDARD PROVIDED MANUFACTURERS A MEANS OF DEMONSTRATING THE EFFECTIVENESS OF THEIR PRODUCTS AND PROVIDED THE PUBLIC WITH THE CONFIDENCE TO PURCHASE THOSE PRODUCTS IN LARGE VOLUMES.

UNFORTUNATELY, THE CONVERSE OF THIS VERY BENEFICIAL RELATIONSHIP IS ALSO TRUE: THAT IS, WHEN A NATIONAL SAFETY STANDARD DOES NOT EXIST, NEITHER DO THE ADVANTAGES IN MARKETING AND CONSUMER CONFIDENCE. HENCE, A VARIETY OF EFFECTIVE, LOW COST PRODUCTS DO NOT MATERIALIZE ON THE MARKET AND THE SAFETY IMPROVEMENTS ARE NOT REALIZED. THIS PROBLEM OF A LACK OF A NATIONAL STANDARD IS THE HEART OF THE PREVIOUSLY MENTIONED UL SAFETY RESEARCH PROJECT.

BEFORE DESCRIBING THIS UNITED STATES FIRE ADMINISTRATION CO-SPONSORED RESEARCH, I WOULD DIGRESS A MOMENT ABOUT ONE FACET OF SMOKE DETECTORS. SMOKE DETECTORS ARE BUT THE LATEST

FAMILY OF DEVICES THAT COULD BE CATEGORIZED AS FIRE ALARMS. STARTING FROM CHILDHOOD WE HAVE ALL COME TO ASSOCIATE CERTAIN SOUNDS WITH FIRE: THE SCREAM OF A SIREN ON A FIRE TRUCK, OR NOWADAYS, THE BLARE OF THE FIRE HORN; THE ELEMENTARY SCHOOL FIRE ALARM THAT CAME UNANNOUNCED IN THE MIDDLE OF THE SEEMINGLY UNENDING SCHOOL DAY; OR EVEN THE ORIGINAL FIRE BELL SIGNALING A CALL TO ACTION BY THE LOCAL VOLUNTEER FIRE BRIGADE. THE POINT HERE IS THAT SOUND SEEMS TO BE A COMMON ELEMENT TO MANY TYPES OF FIRE ALARMS. THIS USE OF SOUND, HOWEVER, DOES NOT NECESSARILY MEET THE NEEDS OF THE ESTIMATED 21 MILLION AMERICANS WHO EXPERIENCE A MEASUREABLE LEVEL OF HEARING LOSS. AND SINCE HEARING LOSS IS SOMETIMES PART OF THE AGING PROCESS, ALL OF US ARE POTENTIAL MEMBERS OF THE HEARING IMPAIRED COMMUNITY.

CERTAINLY THE HEARING IMPAIRED HAVE THE SAME NEEDS FOR FIRE ALARMS AS THE HEARING SEGMENT OF THE POPULATION. HOWEVER, SINCE SOUND SEEMS TO BE THE UNIVERSAL METHOD OF ALERT, SOME SPECIAL CONSIDERATIONS ARE NEEDED WHEN ALERTING THE HEARING IMPAIRED.

IN CERTAIN CIRCUMSTANCES THE HEARING IMPAIRED ARE IN AN ENVIRONMENT WITH THE HEARING. AS A RESULT, WHEN A FIRE ALARM SOUNDS, THE HEARING PRESENT ARE RELIED UPON TO PASS ON THE ALERT TO THE HEARING IMPAIRED. HOWEVER, IN THOSE INSTANCES WHEN THE HEARING IMPAIRED ARE ALONE, ALTERNATE MEANS OF IDENTIFYING THE EXISTANCE OF A FIRE CONDITION ARE NEEDED.

A SIMILAR PROBLEM HAS BEEN CONSIDERED AND PARTIALLY ADDRESSED IN THE PAST. A FIRE CONDITION IS NOT THE ONLY SITUATION FOR WHICH THE HEARING IMPAIRED NEED AN ALERT. ANY SOUND TYPE SIGNAL NEEDS AN ALTERNATE TO MAKE THE ASSOCIATED DEVICE USEFUL FOR THE HEARING IMPAIRED: A DOORBELL, A TELEPHONE BELL, AN ALARM ON AN ALARM CLOCK, OR THE SOUND PORTION OF A TELEVISION PROGRAM. A VARIETY OF NON-SOUND SIGNALING MEANS ARE CURRENTLY USED AS AN ALTERNATE MEANS OF ALERTING OR COMMUNICATING WITH THE HEARING IMPAIRED. HOWEVER, THESE TYPES OF SITUATIONS DO NOT NECESSARILY INVOLVE LIFE OR HEALTH THREATENING SITUATIONS. IN ADDITION, NO NATIONAL STANDARD HAS BEEN DEVELOPED TO DEFINE THE APPROPRIATE THRESHOLDS FOR THESE SIGNALING METHODS LET ALONE APPROPRIATE REQUIREMENTS FOT THESE NON-SOUND SIGNALS FOR USE IN ALERTING THE HEARING IMPAIRED TO A FIRE CONDITION.

AT THE REQUEST OF PEGGY WEBB, PROJECT MANAGER, FIRE SAFETY AWARENESS COMMITTEE FOR THE SOROPTIMISTS INTERNATIONAL OF FREDERICK COUNTY, MARYLAND, UL CONVENED A MEETING ON MARCH 25, 1988. THE PURPOSE OF THE MEETING WAS TO DISCUSS WAYS OF EXPANDING UL'S STANDARDS FOR SMOKE DETECTORS TO COVER ALERTING METHODS APPROPRIATE FOR THE HEARING IMPAIRED. WITH THESE STANDARDS REQUIREMENTS IN PLACE, ECONOMICAL AND EFFECTIVE DEVICES WOULD BE MUCH MORE LIKELY TO APPEAR ON THE MARKET, THUS BENEFITING THE HEARING IMPAIRED. STATE FIRE MARSHALS IN ATTENDANCE INDICATED THEIR INTEREST IN STATE

LEGISLATION IN THIS AREA THAT WOULD RELY ON THIRD PARTY CERTIFICATION OF THESE TYPES OF DEVICES.

AS A RESULT, UL ADOPTED A 3 PHASE RESEARCH PLAN TO DEVELOP THE NECESSARY ADDITIONS TO ITS SMOKE DETECTOR STANDARDS AND IMPLEMENT A THIRD PARTY CERTIFICATION PROGRAM FOR THE ASSOCIATED DEVICES. WHEN SUCCESSFUL, THE STANDARD AND CERTIFICATION PROGRAM WILL MEET THE NEEDS OF MANUFACTURERS, STATE LEGISLATORS AND, OF COURSE, THE HEARING IMPAIRED.

PHASE 1 OF THE RESEARCH IDENTIFIES THE PROBLEM AND GATHERS DATA ON HEARING IMPAIRED INDIVIDUALS TO BE USED AS A BASIS FOR DEVICE REQUIREMENTS. IN PHASE 2, UL WILL WORK WITH INDUSTRY TO DEVELOP SPECIFIC REQUIREMENTS FOR DEVICES WITH CONSIDERATION TO THE CURRENT STATE OF THE ART. FINALLY, IN PHASE 3, UL WILL USE ITS NORMAL STANDARDS DEVELOPMENT PROCEDURES TO EMBODY THE REQUIREMENTS IN UL'S EXISTING SMOKE DETECTOR STANDARDS. ALL INTERESTED PARTIES WILL HAVE THE OPPORTUNITY TO COMMENT ON THE REQUIREMENTS DURING THIS PHASE.

IN CONSIDERING THE VARIOUS MEANS OF PROVIDING AN ALERT TO THE HEARING IMPAIRED, UL HAS DEVELOPED 4 CRITERIA THAT SHOULD BE COMMON TO ALL SIGNALING DEVICES:

THE SIGNAL INTENSITY SHOULD BE STRONG ENOUGH TO ALERT;
THE DEVICE SHOULD BE EASY TO INSTALL;
THE DEVICE SHOULD BE RELATIVELY INEXPENSIVE;

THE DEVICE SHOULD NOT ONLY REDUCE THE RISK OF FIRE, ELECTRICAL SHOCK AND/OR INJURY DURING INSTALLATION AND USE, BUT ALSO IN ITSELF NOT INTRODUCE SUCH RISKS.

A KEY CONSIDERATION TO THE FIRST CRITERIA IS THAT THE STRENGTH OF THE SIGNAL SHOULD BE SUFFICIENT TO ALERT BOTH INDIVIDUALS LOOKING FOR SOME TYPE OF ALERT AS WELL AS THOSE SLEEPING OR ENGROSSED IN ANOTHER ACTIVITY. WHILE NOT ALL 4 CRITERIA MAY BE MET BY A SINGLE DEVICE, CERTAINLY VALUABLE RESEARCH RESOURCES SHOULD NOT BE EXPENDED ON EXOTIC DESIGNS THAT POSSESS FEW OR NONE OF THESE CHARACTERISTICS.

BASED ON A SURVEY OF THE HEARING IMPAIRED, UL IDENTIFIED 4 ALERTING MECHANISMS FOR CONSIDERATION UNDER THE RESEARCH PROGRAM:

FLASHING LIGHTS
AIR MOVEMENT SYSTEMS
VIBRATION DEVICES
ODOR RELEASE DEVICES

MUCH OF THE RESEARCH TC DATE HAS BEEN IN THE AREA OF FLASHING LIGHTS. UL HAS DETERMINED THAT A FLASHING LIGHT IS MORE READILY NOTICEABLE THAN A NONFLASHING LIGHT. IN ADDITION, WE HAVE DEVELOPED DATA ON THE ABILITY OF INDIVIDUALS TO SENSE FLASHING LIGHTS OF VARYING INTENSITIES. ASSISTING US WITH OUR EFFORTS IN THIS AREA WERE 2 HEARING IMPAIRED GROUPS IN THE STATE OF ILLINOIS. AN IN-HOME STUDY

WAS CONDUCTED TO USE FLASHING LIGHTS TO ALERT HEARING IMPAIRED INDIVIDUALS AND MEASURE THEIR RESPONSES.

FLASHING SIGNALING LIGHTS CAN BE CATEGORIZED AS DIRECT AND INDIRECT. DIRECT SIGNALING LIGHTS ARE USUALLY WALL MOUNTED AND THE SOURCE FLASH IS SEEN BY THE OBSERVER. THE FLASH IS INTENDED TO BE VIEWED DIRECTLY BY THE OBSERVER UPON INITIATION. INDIRECT SIGNALING LIGHTS NEED NOT BE VIEWED DIRECTLY BY THE OBSERVER TO ALERT. RATHER, THE LIGHT FROM THE INDIRECT FLASH IS USUALLY OBSERVED AS IT BOUNCES OFF WALLS AND CEILINGS OF A ROOM AND NOTICEABLY ELEVATES THE AMBIENT ROOM LIGHTING. BECAUSE IT CAN ALERT INDEPENDENTLY OF THE OBSERVER'S POINT OF ATTENTION, UL BELIEVES THAT INDIRECT SIGNALING IS THE ALERT METHOD OF CHOICE FOR VISIBLE LIGHT. FROM THE RESEARCH, UL HAS DETERMIINED BOTH DAYTIME (20 EFFECTIVE CANDELA) AND NIGHTIME (100-150 EFFECTIVE CANDELA) LIGHT INTENSITIES FOR INDIRECT SIGNAL FLASHING LIGHTS. THE NIGHTIME LEVEL REPRESENTS THAT SUFFICIENT TO AWAKEN A SLEEPING INDIVIDUAL.

FLASHING LIGHT SIGNALS CURRENTLY BEING INSTALLED ARE USUALLY OF THE DIRECT SIGNAL VARIETY. THE REASONS FOR THIS APPROACH ARE UNKNOWN. HOPEFULLY, AS A RESULT OF UL'S RESEARCH AND SUBSEQUENT STANDARDS EFFORTS, THE INDIRECT SIGNALING METHOD WILL BE UTILIZED TO A GREATER EXTENT.

AIR MOVEMENT DEVICES WOULD ALERT BY BLOWING AN AIR STREAM ACROSS THE INDIVIDUAL. UL HAS DEVELPOED AIR VELOCITY PROFILES FOR 2 TYPICALLY SIZED HOUSEHOLD OSCILLATING FANS THAT COULD BE USED IN THIS SITUATION. WHILE AIR VELOCITIES ARE QUITE HIGH ON A LINE EXTENDING OUT FROM THE CENTER OF THE FAN, THEY DROP OFF FAIRLY QUICKLY AS ONE DEVIATES FROM THIS CENTERLINE OR LENGTHENS THE DISTANCE FROM THE FAN. IN ADDITION TO THIS LIMITATION, CONSIDERATION IS NEEDED AS TO THE AFFECT AIR MOVEMENT WOULD HAVE ON AGGRAVATING AN ACTUAL FIRE OR DISTURBING THE SMOKE STRATIFICATION THAT OCCURS VERY EARLY IN A FIRE SITUATION. THIS STRATIFICATION WHICH CONCENTRATES SMOKE ON THE CEILING NORMALLY TRIGGERS THE DETECTING DEVICE.

UL HAS DETERMINED THAT AN AIR VELOCITY OF 240 FT/MIN IS THE MINIMUM INTENSITY NEEDED FOR A FAN TO EFFECTIVELY ALERT AN OBSERVER. SOME PROBLEMS WERE ENCOUNTERED DURING THE RESEARCH TO DERIVE THIS NUMBER. THE PLACEMENT OF THE FAN IS QUITE IMPORTANT AND, IN GENERAL, FEW FURNITURE SURFACES EXIST AT AN APPROPRIATE HEIGHT ON WHICH TO PLACE THE FAN TO MAKE IT AN EFFECTIVE SIGNAL. ALSO, SLEEPING OBSERVERS TENDED TO COMPLETELY COVER THEMSELVES BEFORE AND EVEN DURING THE INITIATION OF THE SIGNAL WITHOUT AWAKING. FINALLY, IN BOTH DAY AND NIGHT, THE DIFFERENCE BETWEEN A SIGNAL FAN AND THE HEATING/COOLING SYSTEM FOR THE ROOM MAY NOT BE NOTICEABLE. FOR ALL THESE VARIOUS REASONS, AIR MOVEMENT MAY BE THE LEAST DESIRABLE OF THE SIGNALING TECHNOLOGIES INVESTIGATED.

VIBRATION DEVICES TAKE ADVANTAGE OF THE HIGHLY SENSITIVE SENSE OF TOUCH. UL RECEIVED FEEDBACK FROM ITS SURVEY THAT VIBRATION WOULD ALERT MORE READILY THAN A FLASHING LIGHT. UL'S RESEARCH INVESTIGATED THE FREQUENCY AND INTENSITY OF VIBRATION NEEDED TO ALERT. THE ABILITY OF A DEVICE TO VIBRATE PADDING IN FURNITURE AND BEDDING IS CRITICAL TO INITIATING AN ALERT.

UL FOUND THAT VIBRATING DEVICES ARE ALREADY EXTENSIVELY USED IN THE HEARING IMPAIRED COMMUNITY IN SUBSTITUTE FOR OTHER SIGNALING DEVICES. OF THE NIGHTIME SIGNALING DEVICES TESTED, VIBRATORS PROVED THE MOST SUCCESSFUL. NOT SURPRISINGLY, VIBRATION DEVICES ARE WELL SUITED TO SITUATIONS IN WHICH THE OBSERVER IS STATIONARY, AS IN THE SLEEP STATE. UL IDENTIFIED A MINIMAL VIBRATIONAL DISPLACEMENT OF 1/8 OF AN INCH AT A FREQUENCY OF 100 HZ AS THAT NEEDED TO INITIATE AN EFFECTIVE ALERT. A COMMON PROBLEM EXPRESSED BY STUDY PARTICIPANTS WAS THE OVERHEATING OF THE VIBRATING DEVICES THEY CURRENTLY USE FOR NONSAFETY APPLICATIONS. UL USED ONLY UL LISTED CLASS 2 TRANSFORMERS IN THE VIBRATING DEVICE AND FOUND NO OVERHEATING PROBLEM DURING THE RESEARCH.

CURRENTLY, NO DEVICES ARE KNOWN TO USE ODOR AS A MEANS OF ALERT. SOME TYPE OF ACTUATING MECHANISM WOULD BE NEEDED, PROBABLY THERMAL OR MECHANICAL, TO RELEASE THE ODORANT. THIS MECHANISM MAY BE QUITE CUMBERSOME AND THE ENTIRE DEVICE

SOMEWHAT ELABORATE TO ENSURE THE UNINTENTIONAL RELEASE OF ODORANT DOES NOT TAKE PLACE. FINALLY, AN AIR MOVEMENT MECHANISM WOULD BE NEEDED TO QUICKLY SPREAD THE ODOR THROUGHOUT THE ENVIRONMENT.

UL WILL CONTINUE TO PURSUE ITS RESEARCH PLAN TO DEVELOP A NATIONAL STANDARD FOR ALERT MECHANISMS FOR THE HEARING IMPAIRED. WITH THE CONTINUED SUPPORT OF THE USFA AND THE HEARING IMPAIRED COMMUNITY, ALL INTERESTED PARTIES WILL ULTIMATELY BENEFIT FROM THESE EFFORTS. UL WOULD LIKE TO THANK THE SUBCOMMITTEE FOR THE OPPORTUNITY TO DESCRIBE THIS RESEARCH PROJECT AND FOR CALLING ATTENTION TO THIS VERY WORTHWHILE ACTIVITY.

Mr. **Valentine**. Thank you both very much.

I share the amazement expressed by the witnesses as to this bit of statistical information that 21 million people in this country have this problem, who suffer from some impairment of the hearing. I take it that that must take into account those persons who have an impediment that is corrected to one degree or another. To be sure, they are not anything approaching 21 million; that is 10 percent, wouldn't it be? one out of 10 people who would be completely reliant on some other device.

Ms. Webb.

Ms. **Webb**. May I just say, from what I can understand, the percentage is much higher of deaf people. There are certain frequency ranges they cannot hear, but then many of them can hear a standard smoke detector. But when you are defining deafness, there is not a standard deaf person. Each individual has a different need, and we have to respect them for that. We cannot determine—as legislators, we cannot say, "You have to use a light to waken you."

Mr. **Valentine**. Could you get that mike a little bit closer to you, please, Ma'am?

Ms. **Webb**. Yes, sir. Okay. You really cannot dictate to a person with this handicap what is going to work for them; they have to tell us. So our goal has been to have manufacturers—and manufacturers say they won't do this until there is a listed standard—develop products that will awaken deaf people. If we can just awaken all those that respond to light and to vibrators, then I think we have probably reached 98 percent of the population of deaf people, and figures vary from 21 million to 30 million; it depends on which deaf organization you ask as to how many deaf people there are.

Mr. **Valentine**. Are you saying that if you had a device that would vibrate a bed at night and the lights that would operate during the day, that you would reach—what?—90 or 95 percent of the people?

Ms. **Webb**. Yes, sir.

Mr. **Valentine**. Because obviously you can't vibrate other—the whole apartment.

Ms. **Webb**. That's correct. Or you can have pager vibrators. If these devices have all been tested and listed by a major testing laboratory, then the deaf individual can select what is best for that particular person. But the major problem then is a smoke detector that can be centrally located so that it will trigger these devices. So that is another which we are hoping the smoke detector industry will address. So it is a two-pronged problem.

Mr. **Valentine**. The five senses, modern science or politicians haven't increased them, have they? And so you exclude the sense of hearing, of course, that is impaired and the sense of taste, and that leaves the sight, smell, touch, and it is quite a challenge, isn't it?

Something was said about the testing. Do I understand that devices exist which could correct this problem but have not been tested? Is that one of the problems?

Mr. **Beyreis**. Yes, Mr. Congressman, that's true. There are any number of devices that are already in commerce. The fundamental need is to establish the parameters that are essential to the proper and reliable operation so that these parameters can then be built into the installation codes, such as those of the National Fire Protection Association, to see to it that these things are properly used. Without those kinds of guidelines, what ends up is a variety of things on the market with claims being made that often are not substantiable.

Mr. VALENTINE. Other than what you have stated, and what your prepared statements reveal to us, what is your advice to this committee as to what the role of the Congress should be in this area?

Mr. GABRIELE. If I may, Mr. Congressman, I suppose I would like to go back to that program and say to you that that was a very basic beginning that got us into identifying the problem. We would like to see that program continue, and you have got to know that this young lady, on a mere $10,000, started this project. I have got to believe, if she had a few more dollars in that program, that maybe she could have done even a little bit more.

I don't know how we can encourage the entrepreneurs to develop these kinds of devices, and I really don't know what to say to you about that part of it.

There are people today selling devices to the hearing impaired where they are taking UL-listed pieces, putting them together, and charging them as much as $250 apiece, and the device, as far as I am concerned, is not an approved device. Yet the normal person can go out and buy a smoke detector today, a portable smoke detector, for as little as $6.95.

What we need is encouragement from the Congress to have these, the entrepreneurs, develop the devices that the hearing impaired need.

Mr. VALENTINE. Is there any kind of telephonic device known to any of you which would do the same sort of thing that a hearing aid does and would be activated either by heat or smoke that could put sound waves in that apartment that would approximate what a person gets by a hearing aid?

Mr. BEYREIS. Mr. Congressman, yes, I think there are any of a variety of technologies that can be used to achieve the goal. I am encouraged that the entrepreneurs will very shortly have opportunity to have specific targets at which they can shoot in developing the equipment to bring these technologies to bear on solving this problem.

I think the Congress has done well in terms of addressing the fire problem through the formation of the U.S. Fire Administration, and including such activities as the fire research work at the Center for Fire Research at the National Institute of Standards and Technology, and I would certainly encourage the Congress to continue to support those important and, I think, very productive enterprises. Those enterprises have permitted opportunity for a variety of individuals having an interest in these various subjects to come together to consider the various elements of these problems, and then to permit individuals to go off to carry out their respective responsibilities within the American enterprise system, including government, including not-for-profit private sector, and including profit-making manufacturing organizations so that each may bring their own special contribution to solving the problem.

I would hope that the Congress would continue to support these efforts, and not only because they continue to provide opportunity for dialogue aimed at problem solving but also assist in providing funding to deal with those aspects of the problem that otherwise wouldn't be funded.

Mr. VALENTINE. Thank you.

Yes, sir.

Mr. GABRIELE. Mr. Congressman, I would be remiss if I didn't say something about the U.S. Fire Administration. You have to know that this whole project wouldn't have gone anywhere if somebody in the U.S. Fire Administration did not put together this program, and we just have to continue to give them the opportunity to come up with these kinds of programs.

I am just very pleased, as the fire marshal from the State of Maryland, to have the opportunity to participate in this program, and this would have never gotten to the street level, to where we are today, if someone in the U.S. Fire Administration did not sit down and say we have to do something different in the area of fire prevention. That is the partnership that they try to develop—Federal, State, local, and community-based organizations—and I think it works very well, and we ought to encourage that kind of thing in the U.S. Fire Administration.

Thank you.

Mr. VALENTINE. Thank you.

Mrs. Morella, a distinguished member of this subcommittee.

Mrs. MORELLA. I thank the distinguished chairman of this subcommittee, and it is a pleasure to have this panel before us, and I am particularly honored, representing part of the State of Maryland, to have our fire marshal here, who is also saying such good things about the U.S. Fire Administration, and Ms. Webb, who is also in the State of Maryland and also involved with NIST.

I must say, I think it is exciting that Soroptimist International has sponsored this project and is fortunate enough to have you represent them. I am very pleased also that work is being done and encouragement is being given for this idea whose time probably came many, many years ago and we never quite thought about it until we had the momentum to do something about it.

So I am pretty excited about it, and I am curious about—I know you talked about three phases in your testimony, Mr. Beyreis, and you said that it would be ready next year. I wonder if you might tell us a little bit more about the funding, how it comes together. I know you said Soroptimist International has assisted in some way, USFA has, and I suppose the Underwriters Laboratory also has. Can you explain that to us a little bit?

Mr. BEYREIS. Yes. Briefly, when a problem such as this is identified, why, we go to work and look at the kind of activity, work, type of individual equipment, and so forth that is required, go about gathering the information, conduct meetings, pull people together, and so forth, and we make a computation as to what we think all of that is going to cost and, in terms of Underwriters Laboratories, in terms of those expenses that we are going to bear. Then we begin to search for support, particularly where support has been offered, and arrange for financial sponsorship.

There is never enough money, and so we invariably end up having to trim and rely on people to, as in this case, several members of UL's staff have really given selflessly endless hours beyond those for which they are being directly compensated. One group took the family camper downstate Illinois to an institution and used their camper instead of bearing the expense of a motel room. I shouldn't tell you that, but they were so personally enthused.

We have funding from the Soroptimists, funding from the U.S. Fire Administration, the National Electrical Manufacturers Association; specifically, the signaling section of NEMA contributed funding; Underwriters Laboratories contributes funding for the direct project.

Beyond that, you referred to three phases. The first phase is the field-based study to gather the basic data that will eventually need to be hammered into a standard. The next phase will be to expose all of that information to a panel of experts, and specialists, and people who have an interest, so that we can come to an agreement and a consensus on just exactly how all of those findings should be hammered into a standard. The third phase then is to put that standard on the street, make it available to the entrepreneurs and manufacturers that have been mentioned here this morning, who can then use that as a target, as a playing field, a level playing field, on which they can bring their technology to bear in moving products into the marketplace.

Mrs. MORELLA. Did you say that the third phase would be completed by next year? Where did I get that date? Did I hear you say 1991?

Mr. BEYREIS. Well, the second phase would be completion of the standard, and we expect that that will be done somewhere between the end of the first quarter and the end of the second quarter next year.

Mrs. MORELLA. That is where you get all of the organizations, the experts, to react. Is that—

Mr. BEYREIS. That is right. What we expect is that before the end of this year we will reconvene an ad hoc committee that we have assembled for this particular project and with whom we have met previously. We will review all of the data that have been gathered; we will summarize and give indication of our expectations of how this information can be brought to bear; we will give them draft standards—a draft standard has already been prepared—let them review it and comment on it. When we complete that work, we expect that not maybe before the end of this year—at least, shortly after the first of this year, we will mail out hundreds, I suppose, of copies of the draft to a variety of individuals and organizations that we think or know have an interest in this, and let them scrutinize that document in detail.

We will provide, as we ordinarily do, 90 days—sometimes more, sometimes less—in this case, 90 days—that is why we get to the end of the first quarter—for comment, and we expect to get comments, suggestions, urgings, and so forth, which we will then take under advisement and either incorporate in the draft or respond by saying, "We think that is a good idea but it is not the right time," or, "We don't accept it," or whatever.

At the end of that first comment period, we have the choice of either issuing the standard as a formally adopted standard or deciding that it needs another go-around. If we need another go-around because we just have such a divergence of opinion as to what these findings mean in terms of implementation, then undoubtedly we are going to have to take another few months to convene meetings, discuss, and finally come to a consensus.

Again, through this period I think that very shortly the manufacturers will have sufficient information that they can begin focusing product development to meet the ultimate requirements, because the difference between what we know now and what we are going to know in a few months is not likely to result in anything significantly different in terms of ultimate requirements.

Mrs. MORELLA. Product development then could come, you think, realistically, at about what point in time?

Mr. BEYREIS. Well—

Mrs. MORELLA. By the end of next year?

Mr. BEYREIS. If you mean, when will products be on the market? absolutely by the end of next year. As has already been commented, products are on the market now, they simply haven't been investigated to the specific set of requirements. So the product development is not something that has to wait until the end of the standards development. In fact, these are products many of which have been in existence for probably decades—vibrational devices and so forth.

Mrs. MORELLA. You also don't seem concerned about the financial aspect of it, so I don't need to ask you for any further specifics. You are saying that all of these groups are cooperating and you are not truly concerned about that as UL, Incorporated goes along.

Mr. BEYREIS. Well, we can always use more money.

Mrs. MORELLA. I know. Everybody—everybody can.

Mr. BEYREIS. The very specific issues have been addressed here, and the study has been narrowly focused on the specific issues. There are always additional issues that can be explored.

My experience is that this sort of process that establishes the basic reference and gets the locomotive running generally will prompt the American free enterprise system to recognize opportunities and investment, and that is where the real product development ultimately occurs.

Mrs. MORELLA. Ms. Webb, how did you get involved with this particular project? And I offer my congratulations to you for the leadership.

Ms. WEBB. Well, I first must set the record straight. I am a dedicated Federal employee at NIST, so therefore I have lots of opportunity to see what technology is all about and created a great awareness with a lot of scientific and engineering type people, but I am here today on annual leave.

Mrs. MORELLA. I hope you won't have a furlough.

Ms. WEBB. I am on annual leave today as a volunteer for this project because I care about fire prevention. But then when I met deaf people, and I was 54 years old before I ever had an opportunity to be around deaf people, and it took me about six months to let them know that I really cared and was concerned. Well, then I had a commitment, you know. They were satisfied as a silent culture not to really be speaking up, because fire safety wasn't high on their priorities, but suddenly they made me feel, or maybe I made myself feel, that here is a problem that has a quick ending—you know, it's just a problem we can get solved. Well, it is taking a good many years. I was very naive. I think when I first started talking to UL I thought they were telling me it took nine months, and I remember saying, "Well, good. That's just how long it took me to have a baby." But now we have gone—I'm on my third child. So it is taking longer to make things happen than I ever envisioned it would.

Mrs. MORELLA. It sounds like the child care bill around here where the child will be ready for school before it gets out of conference.

Ms. WEBB. Well, when we talked about money, I could—by passing hats, getting Soroptimists' and the Fire Administration's money, we were able to come up with $17,000. All that did for UL was establish a cost center, and it was my understanding that then they could dedicate some staff to that cost center. So I figure, you know, the more money they get, the more people they can dedicate to this, and the faster the job can get done. But I think I was a bit naive. I didn't realize—I didn't understand, although I worked at a standards institution, how long it really took to make it happen.

In the meantime, I'm getting letters. I get letters from deaf people, because we, with the Fire Administration money, wrote "Focus on Fire", which I made sure you got copies of, to let people know there is a problem, to create awareness. Now people are writing to me saying, "Dear Peggy"—you know—"What's happening?" and these letters are coming from California, they are coming from Florida, they are coming from everywhere, and so the faster it can move—if it takes money to make it move, I don't have any more, because our project is finished with; the Community Volunteer Project is over.

So I'm not positive of the next step, except that I want to be able to see deaf people go out into a store and buy a product that works, that is safe.

Mrs. MORELLA. Well, Mr. Beyreis is not worried about the money, so you don't have to be concerned about that. You have certainly done a yeowoman's job; it has been fantastic, and I applaud you for it. You have a very strong supporter in our fire marshal here of Maryland, who had told me all about your work before we even came today.

And I want to thank you, also, Mr. Gabriele, for all the work you have done.

And I mentioned to him before the meeting, Mr. Chairman, that I rode with one of my fire departments—Chevy Chase, Maryland, Fire Department—on Friday night and also had an opportunity to see in action a response to a hazardous material call in our area, too. So I am very proud of what is happening in the State and then nationally, and the leadership on this particular committee also is exemplary.

Thank you, Mr. Chairman.

Mr. VALENTINE. Thank you.

Thank you very much, lady and gentlemen. We appreciate what you do. We appreciate your coming here and sharing this information with us.

[Statement prepared by Scott Edwards, Gentex Corporation, Zeeland, MI, and Letter from Daniel K. Shipp, Vice President Public Affairs, National Electrical Manufacturers Association follow:]

TESTIMONY
OF

SCOTT R. EDWARDS
DIRECTOR OF MARKETING
GENTEX CORPORATION

SEPTEMBER 13, 1990
HEARING BEFORE THE SUBCOMMITTEE ON SCIENCE, RESEARCH AND TECHNOLOGY

RESEARCH ON FIRE SAFETY EQUIPMENT FOR HEARING IMPAIRED INDIVIDUALS

I am Scott R. Edwards, Director of Marketing, Fire Protection Group, of the Gentex Corporation. My testimony today is on behalf of the Electronics Division of the National Electrical Manufacturers Association (NEMA). As a member of the National Fire Protection Association, I serve as NEMA's principal representative on the testing and maintenance of signaling systems.

NEMA, with headquarters in Washington, D.C. is the leading U.S. organization representing and serving America's electroindustry companies. The Electronics Division is composed of leading companies manufacturing residential controls, industrial batteries and chargers, electrical indicating instruments, signaling protection and communications equipment, electronic power supplies, and hospital signaling systems and devices.

Issue

The fire protection industry has the technology to develop a high intensity conventional visual signal. However, the lack of adequate standards to manufacture products to alert hearing impaired individuals is delaying their development. It is our understanding that a study being conducted by Underwriters Laboratories has been concluded and the data is being assembled.

After compiling the information, a proposed standard will be developed and reviewed by the industry and other affected groups. It is our hope that the government will adopt the same UL standards for federal agencies.

Without adequate standards, we have seen states enact legislation mandating 100-1000 candela strobes, using the guidelines set forth by the guide NFPA 72G. The requirements of NFPA 72G are questioned by the industry for this type of application. Other states have enacted legislation mandating as low as 70,000 candlepower for the visual signals.

The legislation varies from state to state. This variance is undoubtedly caused by the lack of a uniform standard at the national level. Until such time that a standard is available several questions are raised for the industry. Do we use NFPA 72G which is a guide, not a standard? If we do use NFPA 72G an interim guide, do we view this as a direct or indirect signaling appliance? What is the necessary light intensity needed to arouse or wake a hearing impaired individual? Should we be concerned about daylight signaling? Will the hearing impaired individual be in the guest room during the day?

History

The issue of fire alarms for the hearing impaired was brought to the forefront of our industry when the State of Florida enacted Section 509.215 section 1 paragraph (8): "specialized smoke detectors shall be available for the deaf and hearing impaired upon request by the guest in public lodging establishments at a rate of at least 1 per 50 dwelling units or portions thereof, not to exceed 5 per public lodging facility." This state statute was enacted January 1, 1984, with two years to comply.

Initially when the statute was issued, no specific requirements for the visual signal were indicated. In early 1986, the requirement for the visual signal was changed to 100 candela. The state fire marshal cited the requirements of NFPA 72G 3-2.4.1.3 which calls for a visual signal with an effective intensity of 100 to 1000 candela when the average illuminance in the room is greater than 20 lumens per square foot. At the time of the change, there was a multitude of questions by the industry on what a candela was. What is the relationship between candela and candlepower and what are the average lumens per square foot in a hotel room? At this point, we as an industry were in a state of confusion.

At the time of the change of the effective intensity of the visual signal requirement by the State of Florida, there was only one manufacturer that met the requirement. The rest of the industry was seriously questioning the requirements in the statute and the wisdom of this bright of a light for signaling purposes. We kept reiterating the point that no standard has ever been established to support this requirement.

The fire protection industry seriously questioned the requirement of 100 to 1000 candela and met with the state fire marshal, the Florida Hotel/Motel Association and the hearing impaired community representatives to express our concerns and bring up the fact that no standards existed to justify this requirement. The hearing impaired community argued that the 100 candela is what they wanted and the State agreed. The State of Florida did have a provision in the statute stating that the visual signal shall be 100 candela or a device listed by a nationally recognized testing facility for its intended purpose: to alert/wake a hearing impaired person. However, at this point in time no standard existed.

Because of then differing state statutes and the growing concern of the hearing impaired/deaf community, the Soroptimist International, the National Electrical Manufacturers Association and others funded a UL project to develop a standard for products and systems which may be used to alert the hearing impaired to building fire situations and other emergency conditions.

Importance of Features

To meet the needs of an estimated 21 million hearing impaired Americans, visual signals should be bright enough, and placed so that they will spread signals and reflections throughout a space or raise the overall light level sharply. The amount and type of light necessary to wake a deaf person from a sound sleep in dark room will vary depending on a number of factors, including the size and configuration of the room; the distance between the light source and the individual; whether or not the light flashed; and the cycle rate of the flashing. We also need to address the frequency of the audible portion of the smoke detector. A hearing impaired individual who removes his or her hearing aid during sleep can pick up low frequency signals of 250-500 cycles per second at approximately 70-80dB. Reports have indicated that current audibles cause pain to the back of the eyes of a hearing impaired individual. The light intensity data is currently being compiled in the Underwriters Laboratories Study, which will then be developed into a standard with which we can manufacture units with a visual signal specifically for the hearing impaired community.

Smoke detectors for the hearing impaired should include at a minimum the following features:

A. A UL listed strobe, listed for its intended purpose: to alert/wake a hearing impaired person.

B. In the event the visual signal does not alert or wake the individual, a set of dry relay contacts or radio frequency transmitters for connection to a bed vibrator or other apparatus to alert the hearing impaired individual.

C. The unit should be directly wired to the building's electrical service. No portable units should be allowed (in a commercial setting) or, if allowed, they should be installed at a proper location by trained personnel. We should not allow the guest to install/locate the detector in a guest room.

Products and Lack of Standards

With the lack of adequate standards, we have seen products manufactured that would appear to have a very difficult time meeting the mounting location requirements of NFPA 72 and NFPA 74. Those standards state that the detectors, when mounted on the wall, shall be mounted no closer than 4" from the ceiling and no less than 12" from the ceiling as measured from the top of the detector.

The mounting of these specialty type detectors or any smoke detector is extremely important to the life safety of the hearing impaired population. If the units are not properly installed at the prescribed level on the wall, the detectors will not respond adequately to a fire condition.

Consider the scenaric where the smoke detector is given to the guest upon checking into the hotel. The guest goes to his/her room and places the smoke detector on the dresser or nightstand and plugs the unit into a wall socket. In the unlikely event that a fire starts in the room, the smoke from the fire will go to the ceiling first and then work its way down to the floor level. With the smoke detector sitting on the dresser or nightstand, the device is at pillow level leaving the guest with virtually no protection. In most cases, the individual in the room of origin would not survive the fire.

Conclusion

We need a uniform standard on the effective candlepower and the necessary level to arouse or wake a hearing impaired individual. Because of the current lack of standards, there are units on the market today to alert hearing impaired individuals that range from over 1 million candlepower to a low of 8,000 candlepower. States have enacted legislation requiring 100 candela visual signals for the hearing impaired and those that have specified 70,000 candlepower should become uniform in their requirements.

The lack of a proper standard has not only produced a wide disparity in products being manufactured but has also caused a wide array of individual state laws. The technology is available today to meet virtually any requirement of alerting the hearing impaired community. However, without adequate standards, we will continue to see makeshift products being sold to meet the codes of the states which have passed legislation without a uniform standard.

NEMA

National Electrical Manufacturers Association
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Daniel K. Shipp
Vice President
Public Affairs

October 31, 1990

The Honorable Tim Valentine
Chairman
Science, Research and Technology Subcommittee
2319 Rayburn House Office Building
Washington, DC 20515

Subject: Addendum to the Testimony of Scott R. Edwards Before the House Subcommittee on Science, Research and Technology.

Dear Representative Valentine:

In NEMA's September 13, 1990 testimony on fire equipment for hearing impaired individuals, the Association addressed the lack of adequate standards to manufacture products to alert the hearing impaired.

That testimony should not be interpreted to mean that NEMA believes the federal government should set standards in this area.

NEMA concludes that a UL voluntary national consensus standard representing the concerns of smoke detection manufacturers, the fire protection community and the hearing impaired will best fill the need.

Such a standard could be adopted by the government for federal agencies use as well as by the states.

Sincerely,

Mr. **Valentine**. At this time, I will call the second panel, which consists of Mr. Henry J. Roux, chairman, Board of Visitors, National Fire Academy, and president, Roux International, Inc., Lancaster, Pennsylvania; Mr. William Neville, former superintendent of the National Fire Academy, and a member, Board of Visitors, National Fire Academy; assistant vice president for external affairs, National Fire Protection Association, Quincy, Massachusetts; and Ms. Nancy Trench, member of the Board of Visitors, National Fire Academy, and assistant director, fire service training, Oklahoma State University at Stillwater, Oklahoma.

Your statements will appear in the record as presented to us, and we would appreciate it if you would please summarize.

Mr. Roux.

STATEMENTS OF HENRY J. ROUX, CHAIRMAN, BOARD OF VISITORS, NATIONAL FIRE ACADEMY, AND PRESIDENT, ROUX INTERNATIONAL, INC., LANCASTER, PENNSYLVANIA; WILLIAM NEVILLE, FORMER SUPERINTENDENT, NATIONAL FIRE ACADEMY; MEMBER, BOARD OF VISITORS, NATIONAL FIRE ACADEMY; AND ASSISTANT VICE PRESIDENT FOR EXTERNAL AFFAIRS, NATIONAL FIRE PROTECTION ASSOCIATION, QUINCY, MASSACHUSETTS; AND NANCY TRENCH, MEMBER, BOARD OF VISITORS, NATIONAL FIRE ACADEMY; AND ASSISTANT DIRECTOR, FIRE SERVICE TRAINING, OKLAHOMA STATE UNIVERSITY, STILLWATER, OKLAHOMA

Mr. **Roux**. Thank you, Mr. Chairman.

I am Hank Roux, chairman of the Board of Visitors of the National Fire Academy.

The function of the board, as given in the public law—and I quote here—is to review annually the program of the Academy and to make comments and recommendations to the Secretary regarding the operation of the Academy and any improvements that the board deems appropriate.

What that actually consists of—and that is included in our current charter under the Federal Emergency Management Agency—is an examination of the programs at the Academy, the organization, the personnel at the Academy, the actual physical plant that we have on campus at the Academy, and also, obviously, the funding levels.

We do this by meeting four times a year, three times on campus, one time off campus. That latter meeting, by the way, is an extremely important meeting for us, because that is where we get direct input from both the users and the customers of the Academy, and those meetings are generally held with one of the other major fire protection organizations here in the United States—for example, the National Fire Protection Association; the International Association of Fire Fighters, which we recently met with out in St. Louis; and others.

We have a very capable board, a very able board, and the members are listed in my written testimony, but I think it would be well to know that this includes Mr. Armas, who is the city manager, South San Francisco, in California; Mr. Jeff DeLisle, who is president of the Baltimore Firefighters Union; Chief Sam Dixon, who recently retired as the fire chief of the city of Flint; Mr. Jim Monihan, who is chairman of the National Volunteer Fire Council; Mr. Neville; and Mrs. Trench, who will both testify later this morning.

We did have Mr. Olin Greene as a member, who resigned recently to become the administrator of the U.S. Fire Administration.

But it is a diverse group and, I think, one that represents all of the interests that have a concern relative to the Academy.

In my own case, I am not from the fire service, obviously. I do come from industry, and my area of expertise is in product fire performance, and in the curriculum vitae that I offered with my testimony I do serve on the board of directors of the American Society for Testing and Materials; I am a member of the Board of Standards Review for the American National Standards Institute; I also chair an international committee, the only one really, on combustion toxicity; so I do have an involvement in this subject.

With that background, the key point I want to make to you—or two points, really—is, one, the Academy has been a success; it has been successful in educating our fire chiefs and our future fire chiefs, and this applies both to the on-campus and the off-campus programs, and that is not to be denied.

However, this is not without some problems both in a quantitative and qualitative sense, and, actually, the background to the charter for this oversight hearing probably gives the best summary, the most succinct summary, that one might prepare, and I concur wholeheartedly with that summary.

The problem as I see it is that the Academy is crippled, really, by an externally imposed management system, where we have the Academy reporting to the FEMA Office of Training, and, furthermore, we have an NETC site administration where a lot of our major resources and responsibilities that at one time were of the Academy have been arbitrarily given, and accompanying that are, obviously, the capture of some of those Academy funds by both of these organizations.

Now I do cite some examples in our testimony, and I will just mention two of those at the moment. The Board of Visitors initiated, and we have sought for many years, to make sure that the campus occupants, the facilities, were protected from fire, and by this I mean an automatic sprinkler system, and automatic fire alarm system, because it would be the worst thing in the world for us to ever have a fire at the Academy, and particularly if we were to suffer any loss.

It is unbelievable that we still do not have such a fire protection system. We are still trying to complete it, and, as a matter of fact, in some cases we have new projects to simply fix up previously installed parts of the system.

I do know that the superintendents who have been at the Academy have shared this concern, but here, operating under a separate organization, the NETC Site Administration, it has been difficult to get their attention and certainly to get the funding to accomplish this.

Another case or example is in the evaluation of the contribution of the Academy in this education of our fire officers and actually doing some good relative to the Nation's fire problem, and we have sought that evaluation, that long-term evaluation, and here again the Board has been stymied, really, in that the evaluation is not by the Academy, it is by the Office of Training of FEMA, and the examples we have seen for us to review were found to be with grievous fault both as to the content, questions that were simply not appropriate, and in the administration of the evaluation, in seeking a joint answer from both the student and his superior in terms of the effect.

What I am trying to convey to you is that the Board of Visitors, in trying to fulfill its responsibilities of oversight, in a sense, and still at the same time trying to avoid this micro-managing of the Academy, we have been put into a position of nit-picking, if I might use that term, because every time we try to take a broader view of our responsibilities, we find that we are obscured, or we find that the finances or the personnel are obscured from our vision, and we thus seek to probe to get those things out of the way, and it seems to be like a circle. We try to broaden our view as to the role of the Academy, and we find ourselves in our meetings coming back to literally nit-picking.

To summarize, I am therefore of the opinion that nothing has been gained or contributed by the joining of the Academy with FEMA's Office of Training, nor, as a matter of fact, I am not so sure that there is much that has been obtained from joining on site of both the Emergency Management Institute and the National Fire Academy. I cannot find any identifiable merit in this organization where the Academy reports to the Office of Training.

As such then, it is the recommendation of the Board of Visitors that the National Fire Academy should be rejoined with the United States Fire Administration and, most importantly, with all of the responsibilities and authorities of the administrator of the Fire Administration, and the superintendent of the Academy returned thereto in conformance with the original legislation, the original public law which set up the Academy.

Our reasons for this are twofold. One, we sincerely believe that such a rejoining would more effectively and more efficiently address the Nation's fire problem, because now we would have unison in thought and action; and, secondly, certainly for the Board of Visitors, it would enable us to perform our duties more properly and, consequently, better assess the effectiveness of the Academy.

I want to conclude by saying it has been with a great deal of personal pride that I have served on the Board of Visitors, and I think I speak for all of the other members of the Board of Visitors in that regard. We stand ready to lend any assistance that we can to the Academy, and I would welcome any questions or comments.

Thank you very much.

[The prepared statement of Mr. Roux, plus Charter of Board of Visitors for the National Fire Academy follow:]

STATEMENT OF
HENRY J. ROUX
CHAIRMAN
BOARD OF VISITORS
NATIONAL FIRE ACADEMY
OFFICE OF TRAINING
FEDERAL EMERGENCY MANAGEMENT AGENCY
BEFORE
THE SUBCOMMITTEE ON SCIENCE, RESEARCH AND TECHNOLOGY
OF THE
COMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY
UNITED STATES HOUSE OF REPRESENTATIVES
SEPTEMBER 13, 1990

Mr. Chairman, I am Henry Roux, Chairman of the Board of Visitors of the National Fire Academy. It is at the pleasure of my fellow members of the Board that I serve in this position.

The function of the Board of Visitors, as given in Section 7 (j) of the Federal Fire Prevention and Control Act of 1974 (Public Law 93-498 of October 29, 1974) is to "review annually the program of the (National Fire) Academy and to make comments and recommendations to the Secretary (of Commerce) regarding the operation of the Academy and any improvements therein which such Board deems appropriate".

The current charter (November 9, 1989) of the Board of Visitors under the Federal Emergency Management Agency includes the following responsibilities:

a. An examination of Academy programs to determine whether these programs further the basic mission of the Academy;

b. An examination of the organization of the Academy to determine whether it affords the most appropriate structure for delivering the Academy programs;

c. An examination of the physical plant of the Academy to determine the adequacy of the facilities; and

d. An examination of the funding levels for the Academy programs.

In fulfilling these responsibilities, the Board typically meets four times a year on the campus of the Academy in Emmitsburg, Maryland, with one exception. The one exception is the off-campus program survey meeting that is commonly held in conjunction with a meeting of major fire prevention and control organizations such as the International Association of Fire Fighters, the International Association of Fire Chiefs, the National Volunteer Fire Council, or the National Fire Protection Association. At this field survey meeting, the Board seeks to obtain the maximum direct input from the users and customers of the Academy.

The other three meetings of the Board are devoted to an on-campus programs survey (including actual class attendance), an Academy assessment, and a performance review with preparation of the Board's Annual Report.

Currently, the very able members of the Board of Visitors are, in alphabetical order:

Mr. Jesus Armas, City Manager of South San Francisco, California.

Mr. Jeff DeLisle, President of Baltimore, Maryland, (City) Fire Firefighters, Local No. 734.

Chief Sam Dixon, retired Chief of Flint, Michigan, Fire Department

Mr. Jim Monihan, Chairman of the National Volunteer Fire Council

Mr. Bill Neville, Assistant Vice President of External Affairs, National Fire Protection Association (and former Superintendent of National Fire Academy).

Ms. Nancy Trench, Assistant Director of Fire Service Training, Oklahoma State University.

Both Mr. Neville and Ms. French will testify later at this hearing. Currently, there is a vacancy on the Board. Mr. Olin Greene, State Fire Marshal of the State of Oregon, recently resigned from the Board to serve as Administrator of the United States Fire Administration.

Mr. Armas and I do not work directly within the fire service but we bring other perspectives to finding solutions to the fire problem. I am from private industry; until recently, I served as Coordinating Manager of Product Fire Performance for Armstrong World Industries, a major manufacturer of building products. Having taken early retirement, I am now President of my own consulting firm in product fire performance. The extent of my service to the other solutions to the fire problem are given in the attached Curriculum Vitae to this Statement.

I believe that the preceding background of the Board of Visitors is sufficient to properly stage the following statements in regard to the Academy.

First, and foremost, the Academy has been a success. It has provided the needed education for our fire chiefs and future fire chiefs. It has done this with both on-campus and off-campus courses and programs. The statistics of this success are well-detailed, and have been offered in past reports and will be offered in subsequent testimony today.

However, and most importantly, this success has been and is frought with problems, both of a quantitative and a qualitative nature. An apt summary succinctly presented, is offered in the first four paragraphs of the Background of the Charter to this Oversight Hearing which accompanied the letter of August 28, 1990 from the Chairman of this Subcommittee. I concur with this summary (copy attached).

The Academy is crippled by this externally imposed management system consisting of the FEMA Office of Training, to whom the National Fire Academy reports, and NETC Site Administration to whom major resources and responsibilities of the National Fire Academy are arbitrarily given, resulting in the capture of Academy funds by both of these organizations from the Academy. This management system defeats the Academy! Specific examples are as follows:

1. Although initiated and sought for many years by the Board of Visitors, the fire protection of campus occupants and facilities is still not complete. This includes lack of both an automatic sprinkler system and a fire alarm system. The thought of an unwanted fire on campus, particularly if there were any personal injury or loss of life, or any major property loss, is simply not acceptable for any reason. Yet, there are still projects outstanding to complete the fire protection, and, unbelievably, to fix previously installed parts of the fire protection system. Superintendents of the Academy who share this concern, have not had the authority to correct this frustrating situation. There does seem to be an awareness and a commitment now to this problem by NETC Site Administration but FEMA has yet to match dollars to that commitment.

2. Be it that the role of the Academy is to contribute to a reduction in the

Nation's fire problem by providing the agents of change in local communities, (i.e. the graduates of the Academy's courses and programs) the Board has not been able to obtain a true evaluation of this contribution. The contractural evaluation program that was offered by the FEMA Office of Training to the Board for review was found to be severely faulted. This was in terms of content (i.e. the identified, inappropriate questions to be asked) and of administration (i.e. the procedure of seeking a joint answer from the graduate and his supervisor). Again, the Board has had to direct its review on this subject to other than the Superintendent of the Academy, since the responsibility for long term evaluation is handled by a division of the Office of Training in Washington, DC.

3. Similarly, when the Board recently reviewed the curriculum development process at the Academy, it found an excess of position vacancies that was endangering the updating and creation of courses at the Academy. The reasons were many, e.g. the non-competitive grade level of equivalent positions at the Academy compared to other organizations within the Office of Training and the unavailability of funds to staff these positions. It seems several years ago the five full time positions were transferred from Site Administration to the Academy but with no accompanying funding for the positions.

The above are only examples, and there are others, but they have all acted to steer the Board of Visitors to a more than necessary detailed review of the Academy's operations.

The "nitpicking", as some might wish to ascribe to the Board, has been caused by the continual discovery of obscuration of finances and personnel of the Academy.

The Board has truly resolved on more than one occasion to fulfill its duties, and therefore not to "nitpick", by a review of the Academy's programs, personnel, facilities, and funding through the Office of the Superintendent of the Academy, relying on that office to have both the responsibilities and the authorities. That this has not been the case, especially in the area of authority, has made it most difficult for the Board and has consequently tempered its effectiveness.

I am, therefore, of the opinion that nothing has been gained or contributed by the joining of the Academy with FEMA's Office of Training, nor as a matter of fact with the Emergency Management Institute on site at NETC. The minimal joining of the National Fire Academy and the Emergency Management Institute that has occurred or that could occur is not and need not be related to joining on a common site. Certainly, the joining of the National Fire Academy and FEMA's Office of Training has been without identifiable merit and has been self-defeating, at least for the Academy.

It is the recommendation of the Board that the National Fire Academy should be re-joined with the United States Fire Administration, with all of the responsibilities and authorities of the Administrator of the USFA and the Superintendent of the Academy returned thereto in conformance with the original legislation (Public Law 93-498) on this subject. Our reasons for this recommendation are two-fold: 1. to more effectively and more efficiently address the Nation's fire problem through a unison of thought and action, and 2. to better perform the Board's duties and consequently better assess the effectiveness of the management of the Academy through adherence to the intent of P.L. 93-498.

For all of us who have served or who now serve on the Board of Visitors, it has been and is, with pride. We wish to build this pride even further. We stand ready to lend any assistance we can.

I welcome your questions or comments.

Thank you.

CURRICULUM VITAE

H. J. ROUX

Current

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Chairman
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Chairman
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Chairman
Subcommittee SC3 on Combustion Toxicity
(Committee on TC92 on Fire Standards)
International Standardization Organization
Geneva, Switzerland

Registered Professional Engineer in Fire Protection Engineering
State of California

Immediate Past

Coordinating Manager
Product Fire Performance
Armstrong World Industries, Inc.
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CHARTER

OVERSIGHT HEARING ON THE NATIONAL FIRE ACADEMY AND RESEARCH ON FIRESAFETY EQUIPMENT FOR HEARING-IMPAIRED INDIVIDUALS

Background

The Committee has become increasingly concerned about the effectiveness of the National Fire Academy (NFA). NFA, created by the National Fire Prevention and Control Act of 1974 (P.L. 93-498), provides advanced training to firefighters throughout the nation both at the campus in Emmitsburg and, through "train the trainer" and field programs, at either locations.

The management of NFA, the quality of its programs and the attitude of the parent agency, the Federal Emergency Management Agency (FEMA), have been issues for many years.

NFA has been without a permanent superintendent for two years. The last acting superintendent and deputy superintendent left NFA earlier this year after being accused of favoritism in contracting. Many of the courses -- perhaps a majority -- are taught by adjunct faculty. A report by the FEMA Inspector General, due to be released in early September, questions whether the procedures used to hire adjunct faculty have been in accordance with federal contracting regulations and recommends significant changes. FEMA has ignored repeated Congressional requests to place NFA under the U. S. Fire Administration (USFA), and has instead required NFA to report to the FEMA Office of Training. A disproportionate share of funds authorized for NFA have been used to pay staff of the Office of Training and of the National Emergency Training Center site administration unit, which takes care of the campus shared by NFA and the Emergency Management Institute.

The Committee believes this is an appropriate time to review the status of NFA and seek ways to strengthen its programs.

The Committee will also review progress toward developing fire safety equipment for hearing-impaired individuals. The Fire Act Authorization for Fiscal Years 1989-1991 (P.L. 100-476) required the USFA to prepare a report on the status of such equipment. The subsequent USFA report, "Fire Alarm and Detection Systems for the Hearing-Impaired," found that more research and testing was needed to develop emergency alerting devices that can wake hearing-impaired individuals. The most common devices now available, strobe lights, will not awaken all individuals in all circumstances.

In March 1988, the Soroptimist International of Frederick County, Maryland, with funding from USFA, asked Underwriters Laboratories (UL) to evaluate alternative signaling systems that would alert hearing-impaired and handicapped people to fires and other emergency conditions. In response, UL, the Soroptimist International, the National Electrical Manufacturers Association and the USFA launched a research project to develop safety and performance requirements for smoke detectors, fire alarm controls units and other devices intended for use by hearing-impaired individuals. The study will also establish guidelines for use and installation of the devices.

FEDERAL EMERGENCY MANAGEMENT AGENCY
CHARTER OF
BOARD OF VISITORS
FOR THE
NATIONAL FIRE ACADEMY

ESTABLISHMENT:

The Director of the Federal Emergency Management Agency, (FEMA) in accordance with the Federal Fire Prevention and Control Act of 1974 (Public Law 93-498, Section 7 [j]), has established the Board of Visitors (hereafter referred to as the Board) for the National Fire Academy (hereafter referred to as the Academy), as an Advisory Committee pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, and the Presidential Reorganization Order Number 3 of 1978.

OBJECTIVES AND DUTIES:

The Board shall review annually the program of the Academy and make comments and recommendations to the Director regarding the operation of the Academy and any improvements therein which the Board deems appropriate. The Board shall make interim comments and recommendations to the Director whenever there is an indicated urgency to do so in fulfilling its duties.

1. In carrying out their responsibilities, the Board shall include in their review:

    a. An examination of Academy programs to determine whether these programs further the basic mission of the Academy;

    b. An examination of the organization of the Academy to determine whether it affords the most appropriate structure for delivering the Academy programs;

    c. An examination of the physical plant of the Academy to determine the adequacy of the facilities; and

    d. An examination of the funding levels for the Academy programs.

2. The Board shall submit its annual report to the Director in writing within 30 days following its meeting for the preparation of this report. This report shall provide detailed comments and recommendations regarding the operation of the Academy. The Board shall submit interim reports to the Director whenever there is an indicated need to do so in the fulfillment of its duties.

MEMBERS OF THE BOARD OF VISITORS:

The Board shall be comprised of eight members. The Director shall select the members of the Board from the nominations of qualified persons submitted by the Superintendent of the Academy. The members of the Board shall be selected from among professionals in the fields of fire safety, fire prevention, fire control, research and development in fire protection, treatment and rehabilitation of fire victims, or local government services management, and from such professional organizations as will ensure a balanced representation of interest. Members serve as representatives of non-Federal interests. The FEMA Office of General Counsel is responsible for counseling Board members on Federal ethics rules and criminal conflict of interest statutes.

OFFICERS:

The Board, at its organizational meeting at the beginning of each Federal fiscal year, shall select from among its members a Chairperson and a Vice Chairperson. These officers shall serve for the ensuing year and are eligible to succeed themselves.

In the absence of both the Chairperson and the Vice Chairperson, the Board shall select a member from those present to preside as Chairperson for that meeting.

DUTIES OF CHAIRPERSON:

The Chairperson shall be responsible for the expeditious and efficient conduct of the Board's duties and responsibilities including: presiding over duly constituted meetings of the Board; appointing committees and assigning individual members to Board functions; coordinating with the Secretariat of the Board on agendas, minutes, reports and other business of the Board; serving as the spokesperson for the Board; reporting to the Director; and other duties that may be prescribed by the Director that are appropriate and within the purview of the Board.

DUTIES OF THE VICE CHAIRPERSON:

The Vice Chairperson shall assume the duties and responsibilities of the Chairperson in the absence of the Chairperson.

TERMS OF THE BOARD MEMBERS:

Members shall be selected for 2 years to commence October 1 of the first year through September 30, 2 years hence. Members may be selected for additional 2 year terms at the discretion of the Director. In the event of a vacancy on the Board, the Director may select a member to serve the unexpired term.

MEETINGS:

The Board shall meet once each quarter of the Federal fiscal year to address its responsibilities and duties. Insofar as scheduling permits, the Board will agenda its meetings as follows:

First Quarter	--	On-Campus Programs Survey
Second Quarter	--	Performance Review and preparation of Annual Report
Third Quarter	--	Off-Campus Program Survey
Fourth Quarter	--	Academy Assessment

The foregoing meeting format does not limit the Board's agenda nor its ability to include appropriate and timely items on its agenda.

It shall be cause for consideration of dismissal from the Board if any member is absent from two consecutive Board meetings. Such action shall be recommended by the Board to the Director.

With the exception of the Off-Campus Survey meeting, the Board shall meet at the National Fire Academy unless permission for an alternate location is granted by the Superintendent.

The Off-Campus Program Survey meeting may be adjusted or substituted for another scheduled meeting to accommodate its timing coincidental with the meeting of an appropriate constituent organization.

The Director may, with appropriate notice, call a special meeting of the Board to address an agenda within its purview.

Timely notices of each meeting shall be published in the Federal Register and such notice shall include a statement that Board meetings are open to the public.

ADMINISTRATIVE PROVISIONS:

In accordance with the authorizing statute, the members of the Board shall not be compensated for their services, but shall be reimbursed for any expenses actually incurred in the performance of their duties as members of the Board.

The Superintendent of the National Fire Academy is the designated Federal Official who will attend each meeting of the Board and is authorized, whenever he/she so determines it to be in the public interest, to adjourn any such meeting. The Superintendent can designate an employee of the Academy to be the designated Federal Official to act on his/her behalf in his/her absence. The Board shall not conduct meetings in the absence of the designated Federal Official.

The Superintendent of the Academy shall also designate an employee of the Academy to serve as the Secretary to the Board with all the attendant secretarial duties to cause the Board to be appropriately supported with its administrative needs, minutes, notices, records and reports. The Secretary may also serve as the designated Federal official for the purpose set forth in the previous paragraph. The Academy shall provide such other clerical and supporting services for the Board as may be required.

The cost of supporting the Board is estimated at $25,000 annually. This includes approximately $7,500 for 1/4 work year of staff support and $17,500 for travel and per diem for four meetings a year for Board members and staff support.

Board meeting minutes shall be maintained and shall be subject to the Freedom of Information Act. All records pertaining to the Board shall be maintained in the Office of the Superintendent, National Fire Academy.

DURATION:

The Board shall function on a continuing basis in accordance with the authorizing Statute unless terminated by appropriate legislative authority. In compliance with Section 14(b)(2) of the Federal Advisory Committee Act, a Charter shall be filed upon the expiration of each successive 2 year period following the date of the enactment of the Federal Fire Prevention and Control Act of 1974, Public Law 93-498, on October 9, 1974.

11/9/89
Date

Acting Director
Federal Emergency Management Agency

Pursuant to subsection 9(c) of the Federal Advisory Committee Act, 5 U.S.C. App. I, a copy of the charter for the Board of Visitors for the National Fire Academy, Office of Training, Federal Emergency Management Agency was filed with the Library of Congress and the following Congressional committees on November 22, 1989:

-- Senate Committee on Appropriations
-- Senate Committee on Commerce, Science and Transportation
-- House Committee on Appropriations
-- House Committee on Science, Space and Technology

November 22, 1989
Date

Gail L. Kercheval
FEMA Committee Management Officer

Mr. Valentine. Thank you, sir.

Mr. Neville.

Mr. Neville. Mr. Chairman, Mrs. Morella, thank you very much for inviting me here today.

My name is William Neville, and although I am employed now by the National Fire Protection Association and am a member of the Board of Visitors and concur with Mr. Roux's conclusions and statements, I really come here today to give you a personal perspective.

My first involvement with Federal fire programs came in early 1970 when I was loaned from my employer, the City of Los Angeles Fire Department, to the Forest Service. Soon after that, I was loaned to the Department of Commerce to participate in implementation of a new public law, 93-498. It was a very exciting time. We literally were there to create the then National Fire Prevention and Control Administration, now the United States Fire Administration and the National Fire Academy.

My next involvement after my year's loan was up was to come back and be the recipient of a fellowship from the National Fire Academy and the United States Fire Administration of a fellowship to attend Harvard Kennedy School of Government for a State and local executive program and be a part of the first fire chiefs to participate in that program as a direct result of the efforts of the Fire Administration and the Fire Academy.

You can imagine what a feeling it was for me then to come back in 1986 and be appointed as the superintendent of the National Fire Academy, truly a dream, and how disappointing and discouraging it was for me to resign two years later out of frustration, because although I very certainly had maintained the responsibilities envisioned by Congress when they passed public law, I no longer had the authorities that were given to me as a part of that public law.

Let me give you some very personal kinds of things that, in the big picture, I suppose, aren't that important. But I sat up my office window for months, watching a steam geyser erupt out of the lawn beside me and watching the money for the oil that it took to heat that pour out, wasting our energy, the frustration, the embarrassment, of students snickering, because it was more important to do other work, remodeling offices—not classrooms—remodeling offices and et cetera, because the priorities were not set, at least in my mind, by people who had an understanding or a sensitivity to the fire community.

Mr. Roux mentioned the evaluation program that the Board of Visitors was so interested in. Let me tell you that the money that created that evaluation document was largely, if not wholly, money that was appropriated by Congress for the National Fire Academy. Yet, when we first read that evaluation document, we found not—in several places, not the name of the National Fire Academy but another institution that shares our campus. Clearly, it had been designed with the other institution in mind and superficially changed so that they could present it to the Fire Academy.

We sent that back after hundreds of hours, staff hours, a detailed critique. It came back certainly with the National Fire Academy in all the right places, I suppose done by a computer program, and—

but the basic fallacy of the questions remained. Let me give you a hard example.

The students of a program—of a class, for arson investigation were asked how that class improves the response of emergency equipment to emergencies. There was no connection at all. Clearly, the people that had put that together had zero understanding of the curriculum and the courses at the Fire Academy.

Another issue that I would talk about was watching a very expensive repair to a hydrant system without regard to the fact that the hydrants that were in place were of no use to the local volunteer fire department because they were in the middle of a very large lawn and, except in perfect weather, were not accessible by the fire apparatus.

The frustration—and, again, Mr. Roux mentioned this earlier—finding out that a sprinkler that had been installed had not met any of the national standards, and the cost for repairing that system is going to be more than it cost to put the system in originally. We can't afford those dollars to be going to those kind of wasteful issues, and it is because, again, of a lack of sensitivity, in my judgment.

Another issue is finding that the salary of a gentleman who was loaned from FEMA to a State to be their director was paid by fire funds. I can't understand that. I just—and I indicated that I couldn't understand that.

Just very briefly, it seems to me that FEMA simply doesn't have the expertise or perhaps the motivation to provide the administration and support necessary to efficiently carry out the purpose of the National Fire Academy.

Now I have been very negative, but, very frankly, I am very frustrated. Let me say one positive thing. The fire service has noted with real interest and real hope the appointment of a new director of FEMA who has a fire background, and that does give us hope that this gentleman will be able to provide that kind of sensitivity to the needs of the fire service to allow the Federal fire programs to be reunited—that is to say, the U.S. Fire Administration and the National Fire Academy—and the officers leading that organization to have the powers restored so that we can function in a way that was envisioned by Public Law 93-498.

Thank you very much.

[The prepared statement of Mr. Neville, plus P.L. 93-498, The Federal Fire Prevention and Control Act of 1974 follow:]

STATEMENT OF
WILLIAM M. NEVILLE, JR.
ASSISTANT VICE PRESIDENT
NATIONAL FIRE PROTECTION ASSOCIATION
BEFORE
THE SCIENCE, RESEARCH, AND TECHNOLOGY SUBCOMMITTEE
OF THE
COMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY
UNITED STATES HOUSE OF REPRESENTATIVES
SEPTEMBER 13, 1990

Mr. Chairman, I am William M. Neville, Jr., Assistant Vice President for External Affairs, National Fire Protection Association and previous Superintendent of the National Fire Academy. I formally served as Fire Chief for the City of Haward, California and Chief of Staff for the Los Angeles City Fire Department. I hold a baculaurate degree in Government Service and an Associate degree in Fire Science. I am also a certified instructor for California community colleges in the field of government administration. I have attached a more complete resume for the record.

I am honored and pleased to be invited here today to speak on the effectiveness of the National Fire Academy (NFA).

Section 7 (a) of that act sets the purpose of NFA as "...to advance the professional development of fire service personnel and of other persons engaged in fire prevention and control activities".

There is no doubt that NFA has "advanced professional development of fire service personnel". As a direct result of NFA programs there are now seven universities accross the Country with fire protection baculauratee degree programs which did not offer such programs previously. These programs are formulated so that students working unusual shift patterns (such as fire fighters) or living great distances from an institution providing such a curriculum can participate in higher educational programs. Hundreds of fire service personnel are now participating in this program.

As the direct result of a combined National Fire Academy and United States Fire Administration (USFA) fellowship program over 30 senior fire officers have attended the Harvard University - Kennedy School - State and Local Executive Program. Previous to the USFA/NFA effort no fire officer had ever attended this program.

Well over 100 fire service officers have graduated from the 300+ hour Executive Fire Officer Program taught at NFA's Emmitsburg campus.

Approximately 40,000 fire service personnel have completed 80 hour courses presented at the Emmitsburg campus and litererally hundreds of thousands have been exposed to "weekend courses" developed by NFA for presentation by State and Local fire training officials.

There are several candidates for every opening in the resident program, the ratio, depending on the specific course, reaching three or four applicants for every opening. The acceptance of NFA in the fire service is extrordinary at both the student and employer level. It is important to note that in most cases the NFA resident student is attending on his employer's time and his position must be filled by his employer at a time and 1/2 rate.

Students attending the weekend courses are primarily on their own time and most are from the volunteer fire service.

I do not come here then with a message of failure but rather with recommendations on means of assuring that NFA can continue to work toward its Congressionally mandated purpose and become more efficient and effective in the effort.

In the main, I believe NFA courses are "on target" in terms of their subject matter meeting the needs of America's fire service and most are well conceived in terms of the quality of the instruction material. The problem stems from: 1) the necessity of modernizing the curriculum to reflect the state of the art in a rapidly changing fire protection environment, and 2) providing sufficient attendance opportunities to truly have National impact.

First let me address the issue of attendance opportunity. Given that funding will not significantly increase in the foreseeable future and that present funding can accomodate only 4000 students per year at the Emmitsburg campus, (there are more then 100,000,000 fire fighters in the U.S.) it is clear to me that the resident program should only be targeted at very specific audiances (high level management and specialists in my opinion).

It is therefore my recommendation that you direct the appropriate authorities to focus the resources made available by Congress to a far greater extent on the development of a curriculum for delivery by State and Local fire training authorities and improvement of the training provided instructors delivering those courses.

I believe it critical that the existing "Train the Trainer" program be improved to provide more consistant and professional delivery of the courses developed by NFA. At the present time many of the instructors delivering NFA courses at the State and Local level have not been given the opportunity to attend preparatory courses at NFA and those that do attend are not given sufficient preparation by NFA.

Those offered the "Train the Trainer" courses at the Emmitsburg campus are not adequately tested for their general knowledge of the subject matter either before or after their attendance.

As a model for an upgreaded "Train the Trainer" program I offer the "Instructor Program" (IP) now utilized by NFA to prepare instructors for off-campus delivery of the course titled "Chemistry of Hazardous Materials". This highly techinical course is the cornerstone for any hazardous materials incident response team and was formally offered only as a resident program at Emmitsburg and reached less than 400 students annually.

As a result of the "IP" program this course has been presented to hundreds more than would habe been possible through the NFA resident program. A summary of that program follows:

> Anyone may apply for admittence to the "IP". They are ed for their knowledge of basic chemistry and must demonstrate their instructor skills with a demonstration video. The application must also be accompanied by a letter from their employer that states the applicant will be used as an instructor. There knowledge of chemistry is evaluated by the NFA Hazardous Materials Program Chairperson. Their instruction skills are judged by an Educational Methodology Specialist.
>
> The course is an extremely intensive 80 hour course in which all candidates are reguired to actually present sections of the chemistry course. Those completing the course with an over-all rating of 85% are given "DESIGNEE" status on the adjunct faculty list.
>
> During the "DESIGNEES" first presentation as an adjunct faculty member he/she is taped and rated by the students. The tape is reviewed by the NFA Program Chair and an

> educational methodology specialist who again judge the candidates capability in both technical and instructional areas.
>
> As adjunct faculty in the "IP" program the individual must teach at least once each 18 months and receive appropriate ratings from students. Less than adequate ratings are cause for reevaluation and possible requirement for retraining or dismissal.

Let me now address the issue of maintaining "state of the art" in the NFA courses. Funding is again the issue. It requires hundreds of NFA staff hours and in excess of $100,000 to develp a course for delivery. Today NFA does not have sufficient staff resources or development funds to appropriately maintain their existing courses let alone develop new courses. Again given the probability that increased funding is not likely, I believe that it is more critical than ever that those funds provided by Congress for NFA must be available for use by NFA.

During my tenure as NFA Superintendent a significant portion of the funds approved by Congress for NFA was diverted, without my knowledge or approval to the control and use of the FEMA Office of Training for projects the Director of that Office believed to be in the best interests of FEMA. The majority of the salary and expense funding for the Office as well as funds used for contracts were from funds approved by Congress for NFA use.

To the best of my knowledge there has been no positive impact from actions taken by the Office of Training but there have been examples of negative impact. In one particular case I can recall, the Office of Training elected to use NFA funds to produce an "evaluation" of NFA courses. The document as presented was obviously designed for another institution co-located on the Emmitsburg campus and superficiously altered for NFA.

Although many NFA staff hours were utilized to critique the document in its first draft, it was obvious that that concerns of the NFA staff were ignored in preparing the second draft because the issues were still in evidence in that document.

Another example of the FEMA's negative impact relates to the adjunct faculty program. In my opinion the adjunct faculty program is to a large extent what makes the National Fire Academy "national". The use of adjunct faculty insures that students will receive a broad "national" perspective. It is this broad perspective which separates the NFA resident program from State and Local training programs.

Presently, although PL 93-498 provides the Superintendent authority for the appointment of temporary (adjunct) faculty and consultants in concurance with section 3109 of title 5, United States Code (i.e. without the restrictions of the Federal procurement requirements), FEMA has refused to recognize that process and has required a procedure which I understand the Inspector General is now investigating as being improper. That procedure requires a "low bid" process which is grossly inappropriate for the selection of instructors. (Can you imagine your children being instructed by the "low bidder"?)

Two things became clear to me during period as the NFA Supertendent:

1. The Superintendent, although retaining the responsibilities intended in PL 93-498, had few of the authorities provided by that public law.

2. The FEMA did not have the expertise or motivation to provide the administration and support necessary to efficiently carry out the purpose of the National Fire Academy

In order to provide the knowledgable administration and support necessary to carry out the purpose of the National Fire Academy, I strongly endorse the reunification of the U.S. Fire Administration (USFA) and the National Fire Academy (NFA) as intended by PL 93-498 and the complete restoration of the authorities granted the USFA Administrator and NFA Superintendent by that public law. This was the clear intent of PL 93-498 and the separation of these programs and concurrent reduction in the authorities of both the United States Fire Administrator and the National Fire Academy Superintendent have in my opinion a negative impact on the achievement of the Fire Academy's purposes as set forth by Congress.

In closing let me say that the appointment of a new Director of the Federal Emergency Management Agency with knowledge of the dedication and the needs of America's fire service gives me hope that the United States Fire Administration and the National Fire Academy will be allowed to function as they were intended when Congress approved Public Law 93-498.

Thank you for this opportunity.

END

Public Law 93-498
93rd Congress, S. 1769
October 29, 1974

An Act

To reduce losses of life and property, through better fire prevention and control, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Fire Prevention and Control Act of 1974".

Federal Fire Prevention and Control Act of 1974.
15 USC 2201 note.

FINDINGS

15 USC 2201.

SEC. 2. The Congress finds that—

15 USC 278f notes.

(1) The National Commission on Fire Prevention and Control, established pursuant to Public Law 90-259, has made an exhaustive and comprehensive examination of the Nation's fire problem, has made detailed findings as to the extent of this problem in terms of human suffering and loss of life and property, and has made ninety thoughtful recommendations.

(2) The United States today has the highest per capita rate of death and property loss from fire of all the major industrialized nations in the world.

(3) Fire is an undue burden affecting all Americans, and fire also constitutes a public health and safety problem of great dimensions. Fire kills 12,000 and scars and injures 300,000 Americans each year, including 50,000 individuals who require extended hospitalization. Almost $3 billion worth of property is destroyed annually by fire, and the total economic cost of destructive fire in the United States is estimated conservatively to be $11,000,000,000 per year. Firefighting is the Nation's most hazardous profession.

(4) Such losses of life and property from fire are unacceptable to the Congress.

(5) While fire prevention and control is and should remain a State and local responsibility, the Federal Government must help if a significant reduction in fire losses is to be achieved.

(6) The fire service and the civil defense program in each locality would both benefit from closer cooperation.

(7) The Nation's fire problem is exacerbated by (A) the indifference with which some Americans confront the subject; (B) the Nation's failure to undertake enough research and development into fire and fire-related problems; (C) the scarcity of reliable data and information; (D) the fact that designers and purchasers of buildings and products generally give insufficient attention to fire safety; (E) the fact that many communities lack adequate building and fire prevention codes; and (F) the fact that local fire departments spend about 95 cents of every dollar appropriated to the fire services on efforts to extinguish fires and only about 5 cents on fire prevention.

(8) There is a need for improved professional training and education oriented toward improving the effectiveness of the fire services, including an increased emphasis on preventing fires and on reducing injuries to firefighters.

(9) A national system for the collection, analysis, and dissemination of fire data is needed to help local fire services establish research and action priorities.

(10) The number of specialized medical centers which are properly equipped and staffed for the treatment of burns and the rehabilitation of victims of fires is inadequate.

(11) The unacceptably high rates of death, injury, and property loss from fire can be reduced if the Federal Government establishes a

coordinated program to support and reinforce the fire prevention and control activities of State and local governments.

PURPOSES

15 USC 2202. Sec. 3. It is declared to be the purpose of Congress in this Act to—

(1) reduce the Nation's losses caused by fire through better fire prevention and control;

(2) supplement existing programs of research, training, and education, and to encourage new and improved programs and activities by State and local governments;

(3) establish the National Fire Prevention and Control Administration and the Fire Research Center within the Department of Commerce; and

(4) establish an intensified program of research into the treatment of burn and smoke injuries and the rehabilitation of victims of fires within the National Institutes of Health.

DEFINITIONS

15 USC 2203. Sec. 4. As used in this Act, the term—

(1) "Academy" means the National Academy for Fire Prevention and Control;

(2) "Administration" means the National Fire Prevention and Control Administration established pursuant to section 5 of this Act;

(3) "Administrator" means the Administrator of the National Fire Prevention and Control Administration;

(4) "fire service" means any organization in any State consisting of personnel, apparatus, and equipment which has as its purpose protecting property and maintaining the safety and welfare of the public from the dangers of fire, including a private firefighting brigade. The personnel of any such organization may be paid employees or unpaid volunteers or any combination thereof. The location of any such organization and its responsibility for extinguishment and suppression of fires may include, but need not be limited to, a Federal installation, a State, city, town, borough, parish, county, fire district, fire protection district, rural fire district, or other special district. The terms "fire prevention", "firefighting", and "firecontrol" relate to activities conducted by a fire service;

(5) "local" means of or pertaining to any city, town, county, special purpose district, unincorporated territory, or other political subdivision of a State;

(6) "Secretary" means the Secretary of Commerce; and

(7) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands and any other territory or possession of the United States.

ESTABLISHMENT OF THE NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

15 USC 2204. Sec. 5. (a) Establishment of Administration.—There is hereby established in the Department of Commerce an agency which shall be known as the National Fire Prevention and Control Administration.

(b) Administrator.—There shall be at the head of the Administration the Administrator of the National Fire Prevention and Control Administration. The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level IV of the Executive Schedule pay rates (5 U.S.C. 5315). The Administrator shall report and be responsible to the Secretary.

(c) Deputy Administrator.—There shall be in the Administration a Deputy Administrator of the National Fire Prevention and Control Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule pay rates (5 U.S.C. 5316). The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

PUBLIC EDUCATION

Sec. 6. The Administrator is authorized to take all steps necessary to educate the public and to overcome public indifference as to fire and fire prevention. Such steps may include, but are not limited to, publications, audiovisual presentations, and demonstrations. Such public education efforts shall include programs to provide specialized information for those groups of individuals who are particularly vulnerable to fire hazards, such as the young and the elderly. The Administrator shall sponsor and encourage research, testing, and experimentation to determine the most effective means of such public education. 15 USC 2205.

NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL

Sec. 7. (a) Establishment.—The Secretary shall establish, at the earliest practicable date, a National Academy for Fire Prevention and Control. The purpose of the Academy shall be to advance the professional development of fire service personnel and of other persons engaged in fire prevention and control activities. 15 USC 2206.

(b) Superintendent.—The Academy shall be headed by a Superintendent, who shall be appointed by the Secretary. In exercising the powers and authority contained in this section the Superintendent shall be subject to the direction of the Administrator.

(c) Powers of Superintendent.—The Superintendent is authorized to—

(1) develop and revise curricula, standards for admission and performance, and criteria for the awarding of degrees and certifications;

(2) appoint such teaching staff and other personnel as he determines to be necessary or appropriate;

(3) conduct courses and programs of training and education, as defined in subsection (d) of this section;

(4) appoint faculty members and consultants without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, with respect to temporary and intermittent services, to make appointments to the same extent as is authorized by section 3109 of title 5, United States Code; 5 USC 101 et seq.

(5) establish fees and other charges for attendance at, and subscription to, courses and programs offered by the Academy. Such fees may be modified or waived as determined by the Superintendent;

(6) conduct short courses, seminars, workshops, conferences, and similar education and training activities in all parts and localities of the United States;

(7) enter into such contracts and take such other actions as may be necessary in carrying out the purposes of the Academy; and

(8) consult with officials of the fire services and other interested persons in the exercise of the foregoing powers.

(d) PROGRAM OF THE ACADEMY.—The Superintendent is authorized to—

(1) train fire service personnel in such skills and knowledge as may be useful to advance their ability to prevent and control fires, including, but not limited to—

(A) techniques of fire prevention, fire inspection, firefighting, and fire and arson investigation;

(B) tactics and command of firefighting for present and future fire chiefs and commanders;

(C) administration and management of fire services;

(D) tactical training in the specialized field of aircraft fire control and crash rescue;

(E) tactical training in the specialized field of fire control and rescue aboard waterborne vessels; and

(F) the training of present and future instructors in the aforementioned subjects;

(2) develop model curricula, training programs, and other educational materials suitable for use at other educational institutions, and to make such materials available without charge;

(3) develop and administer a program of correspondence courses to advance the knowledge and skills of fire service personnel;

(4) develop and distribute to appropriate officials model questions suitable for use in conducting entrance and promotional examinations for fire service personnel; and

(5) encourage the inclusion of fire prevention and detection technology and practices in the education and professional practice of architects, builders, city planners, and others engaged in design and planning affected by fire safety problems.

(e) TECHNICAL ASSISTANCE.—The Administrator is authorized, to the extent that he determines it necessary to meet the needs of the Nation, to encourage new programs and to strengthen existing programs of education and training by local fire services, units, and departments, State and local governments, and private institutions, by providing technical assistance and advice to—

(1) vocational training programs in techniques of fire prevention, fire inspection, firefighting, and fire and arson investigation;

(2) fire training courses and programs at junior colleges; and

(3) four-year degree programs in fire engineering at colleges and universities.

Financial assistance.

(f) ASSISTANCE.—The Administrator is authorized to provide assistance to State and local fire service training programs through grants, contracts, or otherwise. Such assistance shall not exceed 4 per centum of the amount authorized to be appropriated in each fiscal year pursuant to section 17 of this Act.

Post, p. 1545.

(g) SITE SELECTION.—The Academy shall be located on such site as the Secretary selects, subject to the following provisions:

(1) The Secretary is authorized to appoint a Site Selection Board consisting of the Academy Superintendent and two other members to survey the most suitable sites for the location of the Academy and to make recommendations to the Secretary.

(2) The Site Selection Board in making its recommendations and the Secretary in making his final selection, shall give consideration to the training and facility needs of the Academy, environ-

mental effects, the possibility of using a surplus Government facility, and such other factors as are deemed important and relevant. The Secretary shall make a final site selection not later than 2 years after the date of enactment of this Act.

(h) Construction Costs.—Of the sums authorized to be appropriated for the purpose of implementing the programs of the Administration, not more than $9,000,000 shall be available for the construction of facilities of the Academy on the site selected under subsection (g) of this section. Such sums for such construction shall remain available until expended.

(i) Educational and Professional Assistance.—The Administrator is authorized to—

(1) provide stipends to students attending Academy courses and programs, in amounts up to 75 per centum of the expense of attendance, as established by the Superintendent;

(2) provide stipends to students attending courses and nondegree training programs approved by the Superintendent at universities, colleges, and junior colleges, in amounts up to 50 per centum of the cost of tuition;

(3) make or enter into contracts to make payments to institutions of higher education for loans, not to exceed $2,500 per academic year for any individual who is enrolled on a full-time basis in an undergraduate or graduate program of fire research or engineering which is certified by the Superintendent. Loans under this paragraph shall be made on such terms and subject to such conditions as the Superintendent and each institution involved may jointly determine; and

(4) establish and maintain a placement and promotion opportunities center in cooperation with the fire services, for firefighters who wish to learn and take advantage of different or better career opportunities. Such center shall not limit such assistance to students and graduates of the Academy, but shall undertake to assist all fire service personnel.

(j) Board of Visitors.—Upon establishment of the Academy, the Secretary shall establish a procedure for the selection of professionals in the field of fire safety, fire prevention, fire control, research and development in fire protection, treatment and rehabilitation of fire victims, or local government services management to serve as members of a Board of Visitors for the Academy. Pursuant to such procedure, the Secretary shall select eight such persons to serve as members of such Board of Visitors to serve such terms as the Secretary may prescribe. The function of such Board shall be to review annually the program of the Academy and to make comments and recommendations to the Secretary regarding the operation of the Academy and any improvements therein which such Board deems appropriate. Each member of such Board shall be reimbursed for any expenses actually incurred by him in the performance of his duties as a member of such Board.

Committee on Fire Training and Education. Establishment.

Report to Administrator.

(k) Accreditation.—The Superintendent is authorized to establish a Committee on Fire Training and Education which shall inquire into and make recommendations regarding the desirability of establishing a mechanism for accreditation of fire training and education programs and courses, and the role which the Academy should play if such a mechanism is recommended. The Committee shall consist of the Superintendent as Chairman and eighteen other members appointed by the Administrator from among individuals and organizations possessing special knowledge and experience in the field of fire training and education or related fields. The Committee shall submit to the Administrator within two years after its appointment, a full and complete

Termination. report of its findings and recommendations. Upon the submission of such report, the Committee shall cease to exist. Each appointed member of the Committee shall be reimbursed for expenses actually incurred in the performance of his duties as a member.

(l) ADMISSION.—The Superintendent is authorized to admit to the courses and programs of the Academy individuals who are members of the firefighting, rescue, and civil defense forces of the Nation and such other individuals, including candidates for membership in these forces, as he determines can benefit from attendance. Students shall be admitted from any State, with due regard to adequate representation in the student body of all geographic regions of the Nation. In selecting students, the Superintendent may seek nominations and advice from the fire services and other organizations which wish to send students to the Academy.

FIRE TECHNOLOGY

15 USC 2207. SEC. 8. (a) TECHNOLOGY DEVELOPMENT PROGRAM.—The Administrator shall conduct a continuing program of development, testing, and evaluation of equipment for use by the Nation's fire, rescue, and civil defense services, with the aim of making available improved suppression, protective, auxiliary, and warning devices incorporating the latest technology. Attention shall be given to the standardization, compatibility, and interchangeability of such equipment. Such development, testing, and evaluation activities shall include, but need not be limited to—

(1) safer, less cumbersome articles of protective clothing, including helmets, boots, and coats;

(2) breathing apparatus with the necessary duration of service, reliability, low weight, and ease of operation for practical use;

(3) safe and reliable auxiliary equipment for use in fire prevention, detection, and control, such as fire location detectors, visual and audio communications equipment, and mobile equipment;

(4) special clothing and equipment needed for forest fires, brush fires, oil and gasoline fires, aircraft fires and crash rescue, fires occurring aboard waterborne vessels, and in other special firefighting situations;

(5) fire detectors and related equipment for residential use with high sensitivity and reliability, and which are sufficiently inexpensive to purchase, install, and maintain to insure wide acceptance and use;

(6) in-place fire prevention systems of low cost and of increased reliability and effectiveness;

(7) methods of testing fire alarms and fire protection devices and systems on a non-interference basis;

(8) the development of purchase specifications, standards, and acceptance and validation test procedures for all such equipment and devices; and

(9) operation tests, demonstration projects, and fire investigations in support of the activities set forth in this section.

(b) LIMITATION.—The Administration shall not engage in the manufacture or sale of any equipment or device developed pursuant to this section, except to the extent that it deems it necessary to adequately develop, test, or evaluate such equipment or device.

(c) MANAGEMENT STUDIES.—(1) The Administrator is authorized to conduct, directly or through contracts or grants, studies of the operations and management aspects of fire services, utilizing quantitative techniques, such as operations research, management economics, cost effectiveness studies, and such other techniques and methods as may be applicable and useful. Such studies shall include, but need not be limited to, the allocation of resources, the optimum location of fire stations, the optimum geographical area for an integrated fire service, the manner of responding to alarms, the operation of citywide and regional fire dispatch centers, firefighting under conditions of civil disturbance, and the effectiveness, frequency, and methods of building inspections.

(2) The Administrator is authorized to conduct, directly or through contracts or grants, research concerning the productivity and efficiency of fire service personnel, the job categories and skills required by fire services under varying conditions, the reduction of injuries to fire service personnel, the most effective fire prevention programs and activities, and techniques for accurately measuring and analyzing the foregoing.

(3) The Administrator is authorized to conduct, directly or through contracts, grants, or other forms of assistance, development, testing, and demonstration projects to the extent deemed necessary to introduce and to encourage the acceptance of new technology, standards, operating methods, command techniques, and management systems for utilization by the fire services.

(4) The Administrator is authorized to assist the Nation's fire services, directly or through contracts, grants, or other forms of assistance, to measure and evaluate, on a cost-benefit basis, the effectiveness of the programs and activities of each fire service and the predictable consequences on the applicable local fire services of coordination or combination, in whole or in part, in a regional, metropolitan, or statewide fire service.

(d) RURAL ASSISTANCE.—The Administrator is authorized to assist the Nation's fire services, directly or through contracts, grants, or other forms of assistance, to sponsor and encourage research into approaches, techniques, systems, and equipment to improve fire prevention and control in the rural and remote areas of the Nation.

(e) COORDINATION.—In establishing and conducting programs under this section, the Administrator shall take full advantage of applicable technological developments made by other departments and agencies of the Federal Government, by State and local governments, and by business, industry, and nonprofit associations.

NATIONAL FIRE DATA CENTER

15 USC 2208.

SEC. 9. (a) GENERAL.—The Administrator shall operate, directly or through contracts or grants, an integrated, comprehensive National Fire Data Center for the selection, analysis, publication, and dissemination of information related to the prevention, occurrence, control, and results of fires of all types. The program of such Data Center shall be designed to (1) provide an accurate nationwide analysis of the fire problem, (2) identify major problem areas, (3) assist in setting priorities, (4) determine possible solutions to problems, and (5) monitor the progress of programs to reduce fire losses. To carry out these functions, the Data Center shall gather and analyze—

Data Center program, functions.

(1) information on the frequency, causes, spread, and extinguishment of fires;

(2) information on the number of injuries and deaths resulting from fires, including the maximum available information on the specific causes and nature of such injuries and deaths, and information on property losses;

(3) information on the occupational hazards faced by firefighters, including the causes of deaths and injuries arising, directly and indirectly, from firefighting activities;

(4) information on all types of firefighting activities, including inspection practices;

(5) technical information related to building construction, fire properties of materials, and similar information;

(6) information on fire prevention and control laws, systems, methods, techniques, and administrative structures used in foreign nations;

(7) information on the causes, behavior, and best method of control of other types of fire, including, but not limited to, forest fires, brush fires, fire underground, oil blow-out fires, and waterborne fires; and

(8) such other information and data as is deemed useful and applicable.

(b) METHODS.—In carrying out the program of the Data Center, the Administrator is authorized to—

(1) develop standardized data reporting methods;

(2) encourage and assist State, local, and other agencies, public and private, in developing and reporting information; and

(3) make full use of existing data gathering and analysis organizations, both public and private.

Information dissemination.

(c) DISSEMINATION.—The Administrator shall insure dissemination to the maximum extent possible of fire data collected and developed by the Data Center, and shall make such data, information, and analysis available in appropriate form to Federal agencies, State and local governments, private organizations, industry, business, and other interested persons.

MASTER PLANS

15 USC 2209.

SEC. 10. (a) GENERAL.—The establishment of master plans for fire prevention and control are the responsibility of the States and the political subdivisions thereof. The Administrator is authorized to encourage and assist such States and political subdivisions in such planning activities, consistent with his powers and duties under this Act.

Report to Congress.

(b) REPORT.—Four years after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the establishment and effectiveness of master plans in the field of fire prevention and control throughout the Nation. Such report shall include, but need not be limited to—

(1) a summary of the extent and quality of master planning activities;

(2) a summary and evaluation of master plans that have been prepared by States and political subdivisions thereof. Such summary and evaluation shall consider, with respect to each such plan (A) the characteristics of the jurisdiction adopting it, including, but not limited to, density and distribution of population; ratio of volunteer versus paid fire services; geographic location, topography, and climate; per capita rate of death and property loss from fire; size and characteristics of political subdivisions of the governmental units thereof; and socio-economic composition; and (B) the approach to development and implementation of the master plans;

(3) an evaluation of the best approach to the development and implementation of master plans (e.g., central planning by a State agency, regionalized planning within a State coordinated by a State agency, or local planning supplemented and coordinated by a State agency);

(4) an assessment of the costs and benefits of master plans;

(5) a recommendation to Congress on whether Federal financial assistance should be authorized in order that master plans can be developed in all States; and

(6) a model master plan or plans suitable for State and local implementation.

(c) DEFINITION.—For the purposes of this section, a "master plan" is one which will result in the planning and implementation in the area involved of a general program of action for fire prevention and control. Such master plan is reasonably expected to include (1) a survey of the resources and personnel of existing fire services and an analysis of the effectiveness of the fire and building codes in such area; (2) an analysis of short and long term fire prevention and control needs in such area; (3) a plan to meet the fire prevention and control needs in such area; and (4) an estimate of cost and realistic plans for financing the implementation of the plan and operation on a continuing basis and a summary of problems that are anticipated in implementing such master plan. "Master plan."

REIMBURSEMENT FOR COSTS OF FIREFIGHTING ON FEDERAL PROPERTY

SEC. 11. (a) CLAIM.—Each fire service that engages in the fighting of a fire on property which is under the jurisdiction of the United States may file a claim with the Administrator for the amount of direct expenses and direct losses incurred by such fire service as a result of fighting such fire. The claim shall include such supporting information as the Administrator may prescribe. 15 USC 2210.

(b) DETERMINATION.—Upon receipt of a claim filed under subsection (a) of this section, the Administrator shall determine—

(1) what payments, if any, to the fire service or its parent jurisdiction, including taxes or payments in lieu of taxes, the United States has made for the support of fire services on the property in question;

(2) the extent to which the fire service incurred additional firefighting costs, over and above its normal operating costs, in connection with the fire which is the subject of the claim; and

(3) the amount, if any, of the additional costs referred to in paragraph (2) of this subsection which were not adequately covered by the payments referred to in paragraph (1) of this subsection.

(c) PAYMENT.—The Secretary shall forward the claim and a copy of the Administrator's determination under subsection (b)(3) of this section to the Secretary of the Treasury. The Secretary of the Treasury shall, upon receipt of the claim and determination, pay such fire service or its parent jurisdiction, from any moneys in the Treasury not otherwise appropriated but subject to reimbursement (from any appropriations which may be available or which may be made available for the purpose) by the Federal department or agency under whose jurisdiction the fire occurred, a sum no greater than the amount determined with respect to the claim under subsection (b)(3) of this section.

(d) ADJUDICATION.—In the case of a dispute arising in connection with a claim under this section, the Court of Claims of the United States shall have jurisdiction to adjudicate the claim and enter judgment accordingly.

REVIEW OF CODES

SEC. 12. The Administrator is authorized to review, evaluate, and suggest improvements in State and local fire prevention codes, building codes, and any relevant Federal or private codes and regulations. In evaluating any such code or codes, the Administrator shall consider the human impact of all code requirements, standards, or provisions State-local fire prevention codes, review. 15 USC 2211.

in terms of comfort and habitability for residents or employees, as well as the fire prevention and control value or potential of each such requirement, standard, or provision.

FIRE SAFETY EFFECTIVENESS STATEMENTS

15 USC 2212. Sec. 13. The Administrator is authorized to encourage owners and managers of residential multiple-unit, commercial, industrial, and transportation structures to prepare Fire Safety Effectiveness Statements, pursuant to standards, forms, rules, and regulations to be developed and issued by the Administrator.

ANNUAL CONFERENCE

15 USC 2213. Sec. 14. The Administrator is authorized to organize, or to participate in organizing, an annual conference on fire prevention and control. He may pay, in whole or in part, the cost of such conference and the expenses of some or all of the participants. All of the Nation's fire services shall be eligible to send representatives to each such conference to discuss, exchange ideas on, and participate in educational programs on new techniques in fire prevention and control. Such conferences shall be open to the public.

PUBLIC SAFETY AWARDS

15 USC 2214. Sec. 15. (a) Establishment.—There are hereby established two classes of honorary awards for the recognition of outstanding and distinguished service by public safety officers—

(1) the President's Award For Outstanding Public Safety Service ("President's Award"); and

(2) the Secretary's Award For Distinguished Public Safety Service ("Secretary's Award").

(b) Description.—(1) The President's Award shall be presented by the President of the United States to public safety officers for extraordinary valor in the line of duty or for outstanding contribution to public safety.

(2) The Secretary's Award shall be presented by the Secretary, the Secretary of Defense, or by the Attorney General to public safety officers for distinguished service in the field of public safety.

(c) Selection.—The Secretary, the Secretary of Defense, and the Attorney General shall advise and assist the President in the selection of individuals to whom the President's Award shall be tendered and in the course of performing such duties they shall seek and review nominations for such awards which are submitted to them by Federal, State, county, and local government officials. They shall annually transmit to the President the names of those individuals determined by them to merit the award, together with the reasons therefor. Recipients of the President's Award shall be selected by the President.

(d) Limitation.—(1) There shall not be presented in any one calendar year in excess of twelve President's Awards.

(2) There shall be no limitation on the number of Secretary's Awards presented.

(e) Award.—(1) Each President's Award shall consist of—

(A) a medal suitably inscribed, bearing such devices and emblems, and struck from such material as the Secretary of the Treasury, after consultation with the Secretary, the Secretary of Defense, and the Attorney General deems appropriate. The Secretary of the Treasury shall cause the medal to be struck and furnished to the President; and

(B) an appropriate citation.

(2) Each Secretary's Award shall consist of an appropriate citation.

(f) Regulations.—The Secretary, the Secretary of Defense, and the Attorney General are authorized and directed to issue jointly such regulations as may be necessary to carry out this section.

"Public safety officer."

(g) Definitions.—As used in this section, the term "public safety officer" means a person serving a public agency, with or without compensation, as—

(1) a firefighter;

(2) a law enforcement officer, including a corrections or court officer; or

(3) a civil defense officer.

ANNUAL REPORT

Report to Congress and President.
15 USC 2215.

Sec. 16. The Secretary shall report to the Congress and the President not later than June 30 of the year following the date of enactment of this Act and each year thereafter on all activities relating to fire prevention and control, and all measures taken to implement and carry out this Act during the preceding calendar year. Such report shall include, but need not be limited to—

(a) a thorough appraisal, including statistical analysis, estimates, and long-term projections of the human and economic losses due to fire;

(b) a survey and summary, in such detail as is deemed advisable, of the research and technology program undertaken or sponsored pursuant to this Act;

(c) a summary of the activities of the Academy for the preceding 12 months, including, but not limited to—

(1) an explanation of the curriculum of study;

(2) a description of the standards of admission and performance;

(3) the criteria for the awarding of degrees and certificates; and

(4) a statistical compilation of the number of students attending the Academy and receiving degrees or certificates;

(d) a summary of the activities undertaken to assist the Nation's fire services;

(e) a summary of the public education programs undertaken;

(f) an analysis of the extent of participation in preparing and submitting Fire Safety Effectiveness Statements;

(g) a summary of outstanding problems confronting the administration of this Act, in order of priority;

(h) such recommendations for additional legislation as are deemed necessary or appropriate; and

(i) a summary of reviews, evaluations, and suggested improvements in State and local fire prevention and building codes, fire services, and any relevant Federal or private codes, regulations, and fire services.

AUTHORIZATION OF APPROPRIATIONS

15 USC 2216.

Sec. 17. There are authorized to be appropriated to carry out the foregoing provisions of this Act, except section 11 of this Act, such sums as are necessary, not to exceed $10,000,000 for the fiscal year ending June 30, 1975, and not to exceed $15,000,000 for the fiscal year ending June 30, 1976.

FIRE RESEARCH CENTER

Sec. 18. The Act of March 3, 1901 (15 U.S.C. 278), is amended by striking out sections 16 and 17 (as added by title I of the Fire Preven-

15 USC 278f, 278g.

tion and Control Act of 1968) and by inserting in lieu thereof the following new section:

Establishment. 15 USC 278f.

"Sec. 16. (a) There is hereby established within the Department of Commerce a Fire Research Center which shall have the mission of performing and supporting research on all aspects of fire with the aim of providing scientific and technical knowledge applicable to the prevention and control of fires. The content and priorities of the research program shall be determined in consultation with the Administrator of the National Fire Prevention and Control Administration. In implementing this section, the Secretary is authorized to conduct, directly or through contracts or grants, a fire research program, including—

"(1) basic and applied fire research for the purpose of arriving at an understanding of the fundamental processes underlying all aspects of fire. Such research shall include scientific investigations of—

"(A) the physics and chemistry of combustion processes;

"(B) the dynamics of flame ignition, flame spread, and flame extinguishment;

"(C) the composition of combustion products developed by various sources and under various environmental conditions;

"(D) the early stages of fires in buildings and other structures, structural subsystems and structural components in all other types of fires, including, but not limited to, forest fires, brush fires, fires underground, oil blowout fires, and waterborne fires, with the aim of improving early detection capability;

"(E) the behavior of fires involving all types of buildings and other structures and their contents (including mobile homes and highrise buildings, construction materials, floor and wall coverings, coatings, furnishings, and other combustible materials), and all other types of fires, including forest fires, brush fires, fires underground, oil blowout fires, and waterborne fires;

"(F) the unique fire hazards arising from the transportation and use, in industrial and professional practices, of combustible gases, fluids, and materials;

"(G) design concepts for providing increased fire safety consistent with habitability, comfort, and human impact in buildings and other structures; and

"(H) such other aspects of the fire process as may be deemed useful in pursuing the objectives of the fire research program;

"(2) research into the biological, physiological, and psychological factors affecting human victims of fire, and the performance of individual members of fire services, including—

"(A) the biological and physiological effects of toxic substances encountered in fires;

"(B) the trauma, cardiac conditions, and other hazards resulting from exposure to fire;

"(C) the development of simple and reliable tests for determining the cause of death from fires;

"(D) improved methods of providing first aid to victims of fires;

"(E) psychological and motivational characteristics of persons who engage in arson, and the prediction and cure of such behavior;

"(F) the conditions of stress encountered by firefighters, the effects of such stress, and the alleviation and reduction of such conditions; and

"(G) such other biological, psychological, and physiological effects of fire as have significance for purposes of control or prevention of fires; and

"(3) operation tests, demonstration projects, and fire investigations in support of the activities set forth in this section.

"The Secretary shall insure that the results and advances arising from the work of the research program are disseminated broadly. He shall encourage the incorporation, to the extent applicable and practicable, of such results and advances in building codes, fire codes, and other relevant codes, test methods, fire service operations and training, and standards. The Secretary is authorized to encourage and assist in the development and adoption of uniform codes, test methods, and standards aimed at reducing fire losses and costs of fire protection.

"(b) For the purposes of this section there is authorized to be appropriated not to exceed $3,500,000 for the fiscal year ending June 30, 1975 and not to exceed $4,000,000 for the fiscal year ending June 30, 1976." Appropriation.

VICTIMS OF FIRE

SEC. 19. (a) PROGRAM.—The Secretary of Health, Education, and Welfare shall establish, within the National Institutes of Health and in cooperation with the Secretary, an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fires. The National Institutes of Health shall— 42 USC 290a.

(1) sponsor and encourage the establishment throughout the Nation of twenty-five additional burn centers, which shall comprise separate hospital facilities providing specialized burn treatment and including research and teaching programs, and twenty-five additional burn units, which shall comprise specialized facilities in general hospitals used only for burn victims;

(2) provide training and continuing support of specialists to staff the new burn centers and burn units;

(3) sponsor and encourage the establishment of ninety burn programs in general hospitals which comprise staffs of burn injury specialists;

(4) provide special training in emergency care for burn victims;

(5) augment sponsorship of research on burns and burn treatment;

(6) administer and support a systematic program of research concerning smoke inhalation injuries; and

(7) sponsor and support other research and training programs in the treatment and rehabilitation of burn injury victims.

(b) AUTHORIZATION OF APPROPRIATION.—For purposes of this section, there are authorized to be appropriated not to exceed $5,000,000 for the fiscal year ending June 30, 1975 and not to exceed $8,000,000 for the fiscal year ending June 30, 1976.

PUBLIC ACCESS TO INFORMATION

SEC. 20. Copies of any document, report, statement, or information received or sent by the Secretary or the Administrator shall be made available to the public pursuant to the provisions of section 552 of title 5, United States Code: *Provided*, That, notwithstanding the provisions of subsection (b) of such section and of section 1905 of title 18, United States Code, the Secretary may disclose information which concerns or relates to a trade secret— 15 USC 2217.

(1) upon request, to other Federal Government departments and agencies for official use;

(2) upon request, to any committee of Congress having jurisdiction over the subject matter to which the information relates;

(3) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(4) to the public when he determines such disclosure to be necessary in order to protect health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to which the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to health and safety).

ADMINISTRATIVE PROVISIONS

15 USC 2218.

SEC. 21. (a) ASSISTANCE.—Each department, agency, and instrumentality of the executive branch of the Federal Government and each independent regulatory agency of the United States is authorized and directed to furnish to the Administrator, upon written request, on a reimbursable basis or otherwise, such assistance as the Administrator deems necessary to carry out his functions and duties pursuant to this Act, including, but not limited to, transfer of personnel with their consent and without prejudice to their position and ratings.

(b) POWERS.—With respect to this Act, the Administrator is authorized to—

(1) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) such contracts, grants, leases, cooperative agreements, or other transactions as may be necessary to carry out the provisions of this Act;

(2) accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b));

(3) purchase, lease, or otherwise acquire, own, hold, improve, use, or deal in and with any property (real, personal, or mixed, tangible or intangible), or interest in property, wherever situated; and sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of property and assets;

(4) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for qualified experts; and

(5) establish such rules, regulations, and procedures as are necessary to carry out the provisions of this Act.

Comptroller General, access to records.

(c) AUDIT.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the recipients of contracts, grants, or other forms of assistance that are pertinent to its activities under this Act for the purpose of audit or to determine if a proposed activity is in the public interest.

(d) INVENTIONS AND DISCOVERIES.—All property rights with respect to inventions and discoveries, which are made in the course of or under contract with any government agency pursuant to this Act, shall be subject to the basic policies set forth in the President's Statement of Government Patent Policy issued August 23, 1971, or such revisions of that statement of policy as may subsequently be promulgated and published in the Federal Register.

Publication in Federal Register.

(e) COORDINATION.—To the extent practicable, the Administrator shall utilize existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities. The Administrator shall provide liaison at an appropriate organizational level to assure coordination of his activities with State and local government agencies, departments, bureaus, or offices concerned with any matter related to programs of fire prevention and control and with private and other Federal organizations and offices so concerned.

ASSISTANCE TO CONSUMER PRODUCT SAFETY COMMISSION

SEC. 22. Upon request, the Administrator shall assist the Consumer Product Safety Commission in the development of fire safety standards or codes for consumer products, as defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.). 15 USC 2219.

CONFORMING AMENDMENTS

SEC. 23. Section 12 of the Act of February 14, 1903, as amended (15 U.S.C. 1511), is amended to read as follows:

"BUREAUS IN DEPARTMENT

"SEC. 12. The following named bureaus, administrations, services, offices, and programs of the public service, and all that pertains thereto, shall be under the jurisdiction and subject to the control of the Secretary of Commerce:

"(a) National Oceanic and Atmospheric Administration;
"(b) United States Travel Service;
"(c) Maritime Administration;
"(d) National Bureau of Standards;
"(e) Patent Office;
"(f) Bureau of the Census;
"(g) National Fire Prevention and Control Administration; and
"(h) such other bureaus or other organizational units as the Secretary of Commerce may from time to time establish in accordance with law."

Approved October 29, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-795 accompanying H.R. 11989 (Comm. on Science and Astronautics) and Nos. 93-1277 and 93-1413 (Committees of Conference).
SENATE REPORTS: No. 93-470 (Comm. on Commerce) and Nos. 93-1088 and 93-1211 (Committees of Conference).
CONGRESSIONAL RECORD:
Vol. 119 (1973): Nov. 2, considered and passed Senate.
Vol. 120 (1974): Apr. 25, 29, considered and passed House, amended, in lieu of H.R. 11989.
Oct. 9, House agreed to conference report.
Oct. 10, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 10, No. 44 (1974): Oct. 29, Presidential statement.

Mr. **Valentine**. Thank you, sir.

Ms. Trench.

Ms. **Trench**. It is indeed an honor to be here today to provide a statement in support of our National Fire Academy and to provide recommendations to this subcommittee on changes in the National Fire Academy's authorization.

I first testified before this subcommittee in 1986 and feel like we have come a long way since then. Today's hearing is very significant because in saying that we need to make changes, we are saying that our National Fire Academy is a very dynamic organization.

I, too, have watched the National Fire Academy struggle the past several years with many challenges, and today I seize this opportunity with a great deal of excitement because we have the opportunity here to make some changes, change that only this subcommittee can provide.

I begin by emphasizing that the National Fire Academy is fulfilling its mission. It is an excellent example of the partnership between the Federal Government, State, and local programs, and that I feel very strongly about. We have a National Fire Academy that we can all feel very proud of, and I thank you for your support because you have made our successes possible.

Today, the National Fire Academy continues to progress while impeded by the best example of the worst effort of our Federal Government's bureaucracy, the Federal Emergency Management Agency.

Did you know that on a weekend at the National Fire Academy when we have a full house of 352 students and if the air conditioning breaks in J Building—which is our classroom—that the superintendent of the National Fire Academy does not have the authority to get the air conditioner repaired?

Did you know that as a member of the Board of Visitors at a meeting, I asked a question using the term "fire funds," and I was told by a FEMA official that there are no fire funds? I was told that all dollars appropriated are FEMA dollars and can be programmed according to their priorities.

Did you know that in June the National Fire Academy began the process to staff vacant positions only to have the recruitment request sent back because there were no available FTE's? FEMA had used these in another area.

The National Fire Academy remains understaffed. Only 38 of the 46 allotted positions are staffed today. This a four-year low. Under pressure, FEMA has transferred five FTE's to the Fire Academy some time ago, but they failed to transfer the funds to support these positions. This is one reason that our Fire Academy is understaffed. This is just another chapter in the continuing saga and the shell game that FEMA plays with staffing.

Did you know that the National Fire Academy has been without a superintendent for almost three years? The position has been relegated to a relatively low level within our Government and specifically within FEMA. As a result, the appointment many times is deferred because it just isn't a priority for anyone. A superintendent's average tenure for the National Fire Academy is 18 months. That means most of the time we are without a superintendent. We are really a ship without a rudder. I feel that FEMA uses this void in leadership to their advantage in keeping the activities of the Academy a low priority.

The management team of the Fire Academy spends most of its time trying to survive the efforts of the Office of Training. The management team must fight each day within an operation that has made other priorities. To add insult to this injury, this is all funded with fire monies, monies that you have appropriated for fire programs. The National Fire Academy management team spends their time and effort trying to serve FEMA instead of time and effort to lead and manage the National Fire Academy.

A case can be made that these issues are differences in management philosophy or organizational design. The issue, though, is not why these circumstances exist. The issue is that the organizational structure and the management priorities of FEMA are strangling the National Fire Academy. The Academy must be part of a management team that believes that fire programs are a priority. The National Fire Academy must have the opportunity to operate in an atmosphere of support that Congress has always intended.

I respectfully submit the following four recommendations as solutions: Number one, place the National Fire Academy under the authority of the U.S. Fire Administration. We do not need the Office of Training to direct National Fire Academy operations. Transfer the Fire Academy, with all of its appropriated funds and full-time equivalent allotments, to the Fire Administration. Number two, adjust the Fire Prevention and Control Act to make the appointment of the superintendent a five-year fixed term. As an academic institution, the National Fire Academy needs the stability of long-term leadership. We have precedent in our Federal Government of these kinds of appointments. Number three, restore the authorities of the superintendent as stated in Public Law 93-498. Restore the authority to do the job, including site administration and adjunct faculty selection. The law clearly lists these authorities. Direct FEMA to return them to the superintendent. And, number four, direct FEMA to expedite the appointment of a superintendent and to utilize the Board of Visitors in the selection process. Require FEMA to utilize fire community representation in this selection process and to report to Congress.

The National Fire Academy is really the Cinderella of the Federal Emergency Management Agency. The wicked stepparent is FEMA, and they are cruel and uncaring to the stepchild, the National Fire Academy. You must be the fairy godparents and give the National Fire Academy a coach and a team of horses to escape to the U.S. Fire Administration.

Now, to fully arrange this happy ending, please send us a Prince or Princess Charming in the form of a superintendent that has the security of a five-year term and the necessary authority to succeed.

In closing, I will say that it cost the State of Oklahoma about $650 for me to be here today. I will feel that this is money very well spent if I have been able to persuade you today. I challenge you to initiate changes that will once again allow the National Fire Academy to operate as intended.

Thank you.

[The prepared statement of Ms. Trench, plus additional information for the record follow:]

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STATEMENT OF

NANCY J. TRENCH
MEMBER - BOARD OF VISITORS
NATIONAL FIRE ACADEMY
ASSISTANT DIRECTOR
FIRE SERVICE TRAINING
OKLAHOMA STATE UNIVERSITY
BEFORE
THE SUBCOMMITTEE ON SCIENCE, RESEARCH AND TECHNOLOGY
OF THE
COMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY
UNITED STATES HOUSE OF REPRESENTATIVES
SEPTEMBER 13, 1990

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Celebrating the Past . . . Preparing for the Future

It is an honor to be here today to provide a statement in support of the National Fire Academy (NFA) and to recommend to the Subcommittee on Science, Research and Technology changes for the National Fire Academy authorization. I first testified before this subcommittee in March 1986. At that time our focus was justifying the stipends and emphasizing the value of the National Fire Academy programs. We have come a long way. Today's hearing is significant because, by identifying the need for change, we are saying that the National Fire Academy is a dynamic organization. The National Fire Academy must have adjustments in its Congressional authorization. This is a significant growth opportunity for the NFA. I have watched the NFA struggle to survive many challenges in the past several years. My attempts as a Member of the Board of Visitors to positively influence issues have been ignored. Today is an opportunity I seize with great excitement! The opportunity for the Academy to progress forward with much needed change. Change that only you can provide.

I begin by emphasizing that the National Fire Academy continues to fulfill the mission established by the Fire Prevention and Control Act of 1974. The National Fire Academy is an excellent example of a partnership between our federal government, state and local programs. The NFA is meeting the need for educational opportunities for fire officers and technicians and through this avenue is assisting state and local jurisdictions in reducing the loss from fire.

An example from Oklahoma of the partnership between the National Fire Academy and the states is the Incident Command System, Train the Trainer course.

> In the summer of 1989, the National Fire Academy Extension Services Branch, handed off through the "Train the Trainer" program a model curriculum "The Incident Command System". This was a very timely course. The Superfund Amendment and Reauthorization Act of 1986 and the Fire Department Occupational Safety and Health Standard of 1987 both require an incident command system and incident command system training. Fire Service Training at Oklahoma State University spent $5,600 (direct expenditure) training 45 fire department instructors as Incident Command System trainers after we received the course from the Academy. We purchased additional Incident Command System instructional packages to loan to these trained instructors. The student manuals were provided by the National Fire Academy. If each instructor teaches one class with twenty-five students; the end result is 1,125 firefighters and fire officers trained in the Incident Command System. We expect the numbers to be five times this example, (5,625 students) or almost one half of the firefighters in Oklahoma. A very cost effective delivery of training. An excellent example of the partnership that exists.

The programs from the National Fire Academy and our communication with the National Fire Academy are so significant to Oklahoma State University that we have created an additional professional position to coordinate National Fire Academy activities in Oklahoma, another example of the positive impact of the NFA.

When questioned about what the National Fire Academy does best, the response from directors of state fire training programs produced this list: The Volunteer Incentive Program, State Weekends, Field Program Direct Deliveries, The Executive Fire Officer Program, Student Manual Support and TRADE. We have a National Fire Academy that we all can be very proud of. Thank you for your continued support of the Academy. You have made these successes possible.

The National Fire Academy continues to progress while impeded by the best example of the worst effort of our federal government's bureaucracy, The Federal Emergency Management Agency (FEMA).

Did you know that on a weekend when the National Fire Academy is at full capacity with 352 students on campus that when the air conditioning breaks in J Building (the classroom building), the Superintendent of the National Fire Academy does not have the authority to call for repair?

Did you know that as a Board of Visitors member at a Board of Visitors meeting, I asked a question using the term "fire funds" and I was told by a FEMA official that there are no "fire funds"? I was told that all dollars appropriated are FEMA dollars, and can be programmed as they want according to their priorities.

Did you know that the FEMA Office of Training, Program Development and Evaluation Division (PD&E) distributed invalid long term evaluation instruments that were an embarrassment to the National Fire Academy? The Board of Visitors, after reviewing the document, was assured that the instrument would not be sent out. When the Board learned that it had in fact been sent to National Fire Academy graduates and their supervisors, the response from the Office of Training was "we had already encumbered the funds so we had to finish the contract and use the forms as they were". One question used to evaluate the effectiveness of the Fire Arson Investigation Course is a good example of the poorly prepared evaluation instrument. It was, "Has attending this National Fire Academy class helped reduce your fire department's response time?"

To further expand on this problem with PD&E let me explain the implications of the poorly conceived, developed and executed evaluation project. At issue is the use of this document and its skewed information by PD&E. They continued the process and used this evaluation instrument even after being made aware of the validity problems. PD&E could actually use the invalid results to confront the NFA about not fulfilling their mission. This would be based on invalid information received from an ill advised and inappropriate evaluation instrument that was produced with fire funds.

Did you know that in June the National Fire Academy began the process to staff three vacant positions only to have the recruitment request rejected because there were no available FTE's? FEMA had used the FTE's in another area. FEMA had agreed to stop this practice of borrowing FTE's. The National Fire Academy remains understaffed. The National Fire Academy has a total of 46 allotted positions. Only 38 are staffed today, a four year low. Under pressure, FEMA transferred 5 FTE's to the NFA some time ago, but failed to transfer the funds to support the positions. This is one reason that the NFA is understaffed. This is another chapter in the continuing saga of the Academy and the shell game that FEMA plays with staffing.

Did you know that the National Fire Academy has been without a Superintendent for almost three years? The Superintendent position has been relegated to a relatively low level in contrast to other appointments within the government and specifically within FEMA. As a result, the appointment is deferred when a vacancy occurs because of the low priority. A superintendent's average tenure is about 18 months, so the National Fire Academy functions without a Superintendent the majority of the time. As a result of PL 93-498 which makes the Superintendent a political appointee and because of the organizational structure of FEMA, we are a ship without a rudder. FEMA uses this void in leadership to the advantage of keeping the activities of the Academy a low priority.

The management team at the National Fire Academy spends most of its time trying to survive the "efforts" of the Office of Training. To further compound the problems, other essential operations such as budget, personnel, and procurement are functions of Site Administration. This is another FEMA, Office of Training bureaucratic nightmare for the Academy. The NFA management team must fight for survival each day within an operation that has other priorities. To add insult to this injury, this is all funded primarily with money appropriated for fire programs. The National Fire Academy management team must spend time and effort trying to survive FEMA, instead of time and effort to lead and manage the National Fire Academy.

A case can be made that these issues are all differences in management philosophy and organizational design. The issue, is not why these circumstances exist. The issue is that the organizational structure and management priorities of FEMA are strangling the National Fire Academy. The National Fire Academy must be a part of a management team that believes that the fire programs are a priority. The National Fire Academy must have the opportunity to operate in the atmosphere of support that Congress has always intended.

I respectfully submit the following recommendations as solutions.

Place the National Fire Academy under the authority of the U.S. Fire Administration. The chain of command must be the Director of FEMA, the U.S. Fire Administrator and then the Superintendent of the National Fire Academy. We do not need the Office of Training to direct the National Fire Academy operations. Transfer the National Fire Academy with all appropriated fire money and FTE allotment to the U.S. Fire Administration.

The Superintendent of the National Fire Academy should be appointed for a five year term. The precedence for such continuity already exists within the Federal Government, including the Chair and Board Members of the National Transportation Safety Board, and Commissioners of the Consumer Product Safety Commission and the Federal Communications Commission to name but a few. **Adjust the Fire Prevention and Control Act to make the appointment of the Superintendent a five year fixed term.** As an academic institution the NFA needs the stability of "long term" leadership.

Restore the authorities of the Superintendent as stated in PL 93-498. These authorities have been usurped by the Director of FEMA. The Superintendent must have the authority to fulfill the responsibilities of the position. Restore the authority to do the job including NFA site administration and adjunct faculty selection. The law clearly lists these authorities. Direct FEMA to return these authorities to the Superintendent.

Direct FEMA to expedite the appointment of a Superintendent and to utilize the Board of Visitors in the selection process. Require FEMA to utilize fire community representation in the selection process and to report to Congress.

The National Fire Academy is the Cinderella of FEMA. The wicked step parent, FEMA, is cruel and uncaring to the step child the National Fire Academy. You must be the "Fairy God Parents" and give the National Fire Academy a coach and a team of horses to escape to the U.S. Fire Administration. To fully arrange the happy ending, please send a Prince or Princess Charming in the form of a Superintendent who has the security of a five year term and the necessary authority to succeed.

In closing, my travel expenses to be here today total $650. This is a significant amount of money to our state program. Money that is well spent if I have been able to persuade you.

I challenge you to initiate the changes that will once again allow the National Fire Academy to operate as intended.

NANCY J. TRENCH

Nancy J. Trench is the Assistant Director of Fire Service Training at Oklahoma State University. Fire Service Training provides the programs and delivery system for training Oklahoma firefighters.

Nancy serves as a member of the Board of Visitors for the National Fire Academy, a member of the National Fire Protection Association Board of Directors, a Trustee for the Learn Not To Burn Foundation and the Treasurer for the National Association of State Directors of Fire Training and Education. She is an Active Life Member of the Oklahoma Fire Chiefs Association, Honorary Life Member of the Oklahoma State Firefighters Association, and a member of the Oklahoma State Department of Health, EMS Advisory Committee.

Nancy has a B.S. degree from Oklahoma State University in Fire Protection and Safety Engineering Technology.

Nancy is married to Winston Trench. They have three children: Christopher, Clinton and Jane. They reside in Stillwater, Oklahoma.

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November 5, 1990

The Honorable Tim Valentine, Chairman
Subcommittee on Science, Research
and Technology
Attention: Carrye Brown
2321 Rayburn House Office Building
U. S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

As a witness before the Subcommittee on September 13, 1990 I referenced that we could survey the state fire training systems to find assistance in modeling a preferable adjunct faculty selection and procurement process. This is found on page 63 line 1454 - 1459 of the hearing transcript.

I received responses from eight states. The process of hiring adjunct faculty in all of these states have these common factors:

1. Minimum educational methodology requirements are established by each system. Most frequently used is the NFPA 1041, Standard on Fire Service Instructor Professional Qualifications.

2. There is an established rate of pay. There is no bid process. Instructors are paid $8 to $30 an hour with Georgia and Oklahoma at the low end and Rhode Island, New York and Illinois on the high end. Travel expenses are paid according to state guidelines.

3. Special technical content courses (ie. hazardous materials, codes, leadership) require technical content expertise and in most states responding to the survey, participation in a train the trainer course.

This survey did not provide revelations by which to re-structure the National Fire Academy adjunct faculty process, but it does clearly establish that using a procurement system based upon low bid is not appropriate for an educational institution. Each educational system has an established rate of pay and selects adjuncts based on decisions other that low bid.

I request that this information be included in the appendix of the hearing transcript.

It was an honor to present testimony before your Subcommittee. Thank you for the opportunity. Thank you for your support of our National Fire Academy.

Sincerely,

Nancy Trench

Nancy J. Trench
Assistant Director
Fire Service Training

NJT:wb

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Mr. **Valentine**. Well, thank you, Ma'am. You mean no more frogs.

Well, I am grateful to you for your refreshing candor, and I am told that there are people here in the audience who might have answers to some of these questions, and I trust that you will linger and see what the answers are.

You have made some very, very serious allegations, which I assure you that this chairman does not regard as simply routine protestations, and we will have some questions I want to pose to you, and I assure you that we will, of course, listen with care to the responses, but we will pursue this matter.

Would not whoever is in charge of the operation have inherent authority to fix the air conditioning unit, or is there somebody out there that wields such a stick that they would be afraid even to call maintenance people to come and fix the cotton-picking air conditioning?

Mr. **Neville**. Mr. Chairman.

Mr. **Valentine**. Yes, sir.

Mr. **Neville**. On one Sunday, we were graced with the presence of three Members of Congress who were addressing for the first time a graduating group of volunteer firefighters on the campus. I could not authorize the purchase of $8 worth of film—bought it out of my own pocket. I had no such authority and, when I submitted for compensation, was berated because I had not gone to bid.

I want to tell you, Mr. Chairman, in all sincerity that, with the existing format of organization under FEMA, the way it is laid out now with people in charge of the maintenance of the campus, and purchasing, and getting our adjunct faculty, in an Office of Training who, quote, gives us policy, the superintendent of the National Fire Academy has not even close to the authority that this Congress gave him in 93-498.

Mr. **Valentine**. Who has the overall authority to make the judgments of the kind that you are talking about, and who has authority to judge the performance of the Academy and to make policy and financing decisions, and see to it that these things are corrected?

Mr. **Neville**. It is my understanding that that has all been transferred to the director FEMA, and at least the last regular director of FEMA gave some of those authorities to the director of the Office of Training.

Now that varies sometimes, because I was in—the director of the Office of Training for three weeks just before my resignation, and some of those authorities didn't appear to be quite so strong as they were before.

Ms. **Trench**. If I could respond to that.

Mr. **Valentine**. Yes.

Ms. **Trench**. Let's go back to something we can grasp hold of here, like the air conditioning. The authority for that lies with NETC site administration, so that the whole maintenance and management of the facility lies with the Office of Training and NETC site administration, so that, once again, it's a management of division, it's a division of management there, where the authority to make those decisions to even maintain your own facility belong somewhere else in the organization.

Mr. **Valentine.** Do you, or any of you, recall whether or not this story has been related to this committee?

Ms. **Trench.** Yes.

Mr. **Valentine.** Have you been here before with this message?

Ms. **Trench.** Not this particular experience but I think very similar things.

Mr. **Valentine.** I mean similar to what we are talking about.

Ms. **Trench.** I would also say that that really did happen. A former superintendent did have an entire campus full, and the air conditioner broke, and called the contractor who said, "I don't report to you; I can't come fix the air conditioning; you're not the right person to call me." So this is a true story.

Mr. **Valentine.** Which of you—well, before I get to that, the Board of Visitors—you know, there are several colleges in this Union that have governing organizations. I know my alma mater and undergraduate school, the governing body is called the Board of Visitors. Is this board really just a board of visitors? You have got the right to visit but to do little else? Do you not have any authority to do anything except go out on the campus and look around?

Mr. **Roux.** Our authority, Mr. Chairman, is severely limited. We are not a board of directors; we do not have any financial or management responsibilities or accountabilities. We are a board of visitors in the sense that we are charged by law to review the activities of the Academy.

The charter is very specific although rather broad, because we can look at the programs, we can look at the management structure, the personnel involved, we can look at the physical facilities, and, obviously, we look at the funding.

Our sole power, if one might claim that, is that, obviously, our comments bear some fruit, or bear some attention, by the management of the Academy, and we do have the right to prepare an annual report, which is submitted to the director of FEMA. Previously to that, it was submitted to Congress, if I remember the legislation correctly.

Obviously, the content of that report can draw attention to some of these problems. But, over and above that, we are solely a board of visitors with the power of review and comment but not with any authority to dictate any changes.

I might expand on this a little bit based on your earlier question. The Board of Visitors does not seek to micro-manage the National Fire Academy. That would be irresponsible on our part. What we try to do is address those various functions that I have defined for you, and obviously we direct those questions and interests to the superintendent of the Academy.

Our frustration is to find that, although he may have a sense of responsibility, he doesn't have the authority, and immediately the Board is frustrated. We can't get at, you know, what the problems are or what the solutions are, and as far as I can determine and as far as I have been able to conclude, you know, it is in the management structure, it is not necessarily in the case of specific people, it is the management structure that acts to defeat us.

Mr. **Valentine.** In these recommendations, have you made suggestions as to how these problems can be corrected, or have you given us anything, except insofar as your solutions appear in your testimony? I know Ms. Trench just said one, two, three, four, and so on. But will we be able to go back and comb through your written statements and be able to get a clear understanding as to what you three people, at least, think that we as legislators should do?

Mr. ROUX. Yes, sir, I believe we do, and we have made an entirely—excuse me. We have made it very simple, and that is to return the Academy to be a responsibility of the U.S. Fire Administration and to return, in that rejoining, all of the authorities and responsibilities that were specified in the original legislation. Nothing new has to be added or subtracted, just to return to the original legislation.

Mr. VALENTINE. Or do you make any suggestions, or do you offer any criticism about individuals in your written reports to this committee?

Mr. ROUX. No, sir.

Mr. VALENTINE. Do you call any names?

Mr. ROUX. No. No, sir. It was not our intent in our testimony—and I believe I speak for all three—to spend an excessive amount of time on just redoing the problems or describing the problems. Our goal here was to offer what we thought was a solution, an appropriate solution, to the overall problem and not to be addressing individuals or anything of that sort.

Mr. VALENTINE. Do you refer to positions, if not names, so that we can know if you felt that person who occupied a certain position during a specified period of time was not discharging his or her responsibilities?

Mr. NEVILLE. Mr. Chairman, I really don't think, at least in my case, that that would be an issue for me, because I truly believe that the people in those positions—and let me call it the director of the Office of Training—were discharging their duties as they believed them to be.

My complaint is that the very existence of the Office of Training creates a level of organization that, since they cannot get authorities from above, have to get them from below. Being below is what makes that hurt.

So I don't—I would in no way feel that there was a malfeasance of office in any of the people that I observed. I believe they were doing what they thought was right. My concern was, they were setting priorities and utilizing funds in a way that I didn't believe—funds that at least I believed Congress meant for the Fire Academy—that were not in the best interests of the Fire Academy.

Mr. VALENTINE. Well, I appreciate that, and that is what I wanted to find out about. I did not ask the question to try to issue any special invitation to anybody to get involved in personalities, but, you know, we need—I wanted to cut through any feeling of diplomacy or tact that might have shrouded, or any feeling of innate politeness that might have shrouded, any of your statements. We want to know—we want to know what the hell is going on, if we can find out, and what we should do about it.

So I take it that you are not suggesting—certainly not—and this is implicit—that there is any intentional wrongdoing that we need to check into.

Let me ask you about this business of the adjunct professors and what you can tell us—what your views are with respect to that institution.

Mr. **Neville**. Well, let me start at least.

In my opinion—and I said this, I think, in my written testimony—it is the adjunct instructors that make the Fire Academy national. If we were to use only instructors from the Academy, we would soon have—that were full-time employees of the Academy—we would soon have a regional or a narrow viewed kind of institution. Much like the military academies bring in officers from throughout the service to teach for periods of time, the people who drafted the ideas of the National Fire Academy felt that was also necessary for the Fire Service. Now, since we don't have a National Fire Service, we can't just detail them, and most cities can't afford to send them and pay for them. So we have to find a way to do that.

Very frankly, the system we are using now is not the one envisioned by the drafters of 93-498 or the people who first did the detailed planning on the Fire Academy, but in FEMA's view they believe that we must go low bid. Mr. Chairman, I ask you, would you like to have a paramedic working on you or your family who was trained by the low bidder? I wouldn't.

Ms. **Trench**. If I could just add to that a little bit, I have wonderful people that work for me on my staff, people that I consider to be master level instructors. These are the people that you would want to be teaching at the National Fire Academy, and, in fact, they have helped develop courses at the National Fire Academy, and those folks I'd be happy to call by name, but I will tell you that they will not even bid a class to teach at the National Fire Academy right now, because they will not go the Academy and teach for $80 a day, because they have to take leave from my staff to go up there on their time and to get a bid. By the time you factor in travel costs from Oklahoma, where maybe or maybe not you can get a reduced air fare, they have got to bid for less than $100 a day to teach there, and they flat won't do it; it doesn't—it is not worth their time.

Mr. **Valentine**. You mean $100 a day, period; no travel—

Ms. **Trench**. Plus their expenses. It is less than that. And so by having to compete in that process, by factoring in what their expenses are, they can't compete, and there are people perhaps—and I won't draw a judgment as to their qualifications—that will bid to teach at the Fire Academy for nothing, for having it on their resume of saying they have been there, and that does not necessarily give us that master level instructor that we want. That is an authority—back to Public Law 93-498, that law says the superintendent of the Fire Academy has the power to hire adjunct faculty. That is one of those powers we are asking to be restored. That is something that FEMA has given to procurement, and that is the way we got the low bid system.

Mr. **Valentine**. I take it then, of course, you don't believe that NFA has been getting fully qualified adjunct faculty with this system.

Mr. **Neville**. Mr. Chairman, I think we have been getting very inconsistent adjunct faculty—some great people who will do it for nothing because they are that dedicated. Usually, those are people who happen to live very close.

Mr. Valentine. I was going to say, that would absolutely mean that most of the people who teach out there, who get the jobs as adjunct faculty, of necessity come from this area.

Ms. Trench. And people will do that once, or they will do it twice, but they can't do that repeatedly, day in and day out, and we literally burn people out that have that level of dedication that Bill is referring to.

Mr. Valentine. Well, without getting into a lot of detail, what are some of the courses that these instructors teach people where you would need to get some out-of-town expert?

Mr. Neville. Well, our executive fire officer courses, which are perspectives on managing fire protection organizations. In this country, I don't think you could count the number of different kind of organizations that provide fire protection, Mr. Chairman, and what we need is people who can give those different kind of perspectives. So that would be one area.

A second area we would talk about is planning for fire protection type of courses, where people again have different kinds of risk profiles and different kinds of resources that they can apply to those, and we need the different kind of perspective on that.

In our hazardous materials, that the hazardous material situations vary around this country, and that it is important that we have that kind of broad input to those courses.

It is important—because, as you recall, most of those classes are only two weeks—that those adjunct instructors establish instant credibility when they show up that first Monday morning. That credibility normally is rated by the students by, "Where did these guys come from? Are they real? Have they really experienced this stuff?"

Mr. Roux. Could I add—excuse me.

Mr. Valentine. Yes, sir.

Mr. Roux. Could I add a kind of summary comment. I think this discussion again points out the problem that we have with the existing management system, and here we are holding the superintendent responsible for the quality and the performance of his teaching staff, and, in essence, he is being placed in the role not unlike a college president or the dean of education and so forth at a college, yet the whole provision of those professors—and if we look at them in terms of that caliber, you know, as provided by a management system that dictates that we purchase these professors as if we were purchasing a piece of equipment, and that doesn't seem to be, in my estimation, the way to do things, and certainly it is not—it does not give us, for the board, a means of truly judging the performance of the superintendent of the Academy. We are frustrated because we are trying to address the question, and certainly your question about adjunct faculty is pertinent, but who do we hold up to our light?

Mr. Valentine. Could you give us any assistance as to where the committee might go readily within the Federal bureaucracy to see a similar situation so as to compare what they do under a situation—I'm not talking, of course, about the service academies, but there must be other areas that occur to you, and, of course, we will use our own imagination with respect to that, too. But if there are places that you might want to suggest that we look for a neat comparison, I invite you to, if you can tell us here today, or to supplement this by contacting the staff.

Mr. NEVILLE. Mr. Chairman, I am sorry to tell you that my personal research into this was somewhat frustrating. I think it would be worthwhile to look at the FBI Academy and to see how they do it. My personal observations have been, they have got a little different situation, because the Department of Justice has direct impact on cities, and they sometimes get instructors literally loaned to them because of that kind of different position.

Truly, the National Fire Academy, with 93-498, is a unique institution, and, if I may say so, whoever designed that law—and I don't honestly know who did it—specifically for the Fire Academy, I really think had incredible kind of insights as to what was going to be necessary down the road.

Mr. VALENTINE. The Treasury Department, for example, would have to have some method of training their agents and so on. Okay.

Ms. Trench.

Ms. TRENCH. If I could just add, if we could submit some of that information to you later, let us do some research and get back to you, because I believe there are also State training systems that use adjunct faculty that have models that we could present of how we do it at the State level. Perhaps that may be helpful at the Federal level.

Mr. VALENTINE. Yes.

I am about to the end of this. What would you say would be the proper balance—to the extent that this hasn't already been answered by you—what do you believe to be the proper balance between Government and adjunct faculty?

Mr. NEVILLE. In my opinion, I believe that every course offered should have a Federal employee in the room monitoring the delivery of that instruction. I believe that the vast majority of the instruction—if we need a number, I'll give 80 percent—should be done by our adjunct faculty, but I believe that in order to assure that the lesson plan—if I can get it down to that—is followed and that the delivery style is up to the standards of the Academy, that we should have an NFA appropriate employee in the room monitoring that.

Mr. ROUX. I would like to pose maybe a slightly different answer to the question, not to be in dispute with Mr. Neville. In my mind, I see the National Fire Academy as both a technical college and also a teachers college, and there are very well founded arguments for why the adjunct faculty is a very necessary part of the educational staff. Yet I would like, in my own mind, to see us move maybe a little further along to the true elements of a technical college where we do have full professorships, if that be the appropriate definition, which incorporates and bring into play increased research or the results of research in fire fighting tactics, fire fighting strategy, so that we do take our fire service to the highest level that we can here in the United States.

Now, in part, the adjunct faculty does do that, because they bring with them their professional knowledge and skills, and it does incorporate the results of research that they may well have done in their own ground, but I think this might be one area where—in trying to answer your question—a balance that the full professor, the Government employee, could well serve a leadership function, a technical leadership function.

Mr. NEVILLE. It seems to me—I don't—this is not—I concur with—in general, with what Mr. Roux is saying, but I think it makes a point for the bringing together again of the Fire Administration and the Fire Academy, because if you will look again at the public law, you will see there is kind of a natural transition from the U.S. Fire Administration doing research to the National Fire Academy presenting the results of that research to the Nation's firefighters, and it really was deliberately planned to work that way.

Mr. Roux is quite correct that right now it doesn't always function perfectly, and it really depends on—at least it did two years ago—to informal relationships between people on both staffs. That was really not the way it was envisioned.

Mr. VALENTINE. All right. Thank you very much for what you have done, and we appreciate your coming here to share this with us.

Our third panel, panel number three, consists of: Mr. Gary Barard, assistant inspector general for Audit Division, Office of Inspector General, Federal Emergency Management Agency—FEMA—and Ms. Laura B. Buchbinder, who is acting director, Office of Training Director, Federal Emergency Management Agency; and Mr. J. Faherty Casey, acting deputy superintendent, National Fire Academy, also with FEMA.

Welcome, ladies and gentlemen. Your prepared statements will appear in the record as you presented them to us, and I would encourage you to summarize, and, of course, we would be interested in your reaction to the statements made by the preceding panel.

Mr. Barard.

STATEMENTS OF GARY J. BARARD, ASSISTANT INSPECTOR GENERAL FOR AUDIT DIVISION, OFFICE OF THE INSPECTOR GENERAL, FEDERAL EMERGENCY MANAGEMENT AGENCY; LAURA B. BUCHBINDER, ACTING DIRECTOR, OFFICE OF TRAINING DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY; AND JAMES FAHERTY CASEY, ACTING DEPUTY SUPERINTENDENT, NATIONAL FIRE ACADEMY, FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. BARARD. Thank you, Mr. Chairman. I am pleased to appear before you today to discuss the results of our audit that we just recently completed on the procurement process used for hiring adjunct faculty at the National Fire Academy.

The audit was requested by members of your staff, and we believe that the audit results provide meaningful information and observations for both the subcommittee and FEMA management to improve the process for obtaining adjunct faculty.

For the record, Mr. Chairman, I would like to provide the subcommittee with a copy of the final audit report which we just issued on September 12, 1990.

[The audit report follows:]

Federal Emergency Management Agency
Washington, D.C. 20472

SEP 12 1990

MEMORANDUM FOR: Laura B. Buchbinder
Acting Director
Office of Training

Gary Barard

FROM: Gary J. Barard
Assistant Inspector General
for Audit

SUBJECT: Review of the Procurement Process for Adjunct Faculty; Audit Report No. H-21-90

The Office of Inspector General conducted an audit of the process used by the National Fire Academy and the Emergency Management Institute for obtaining adjunct faculty. The objective of our audit was to determine if the procurement process used to obtain adjunct faculty was in compliance with applicable laws and regulations.

Our review found that adjunct faculty, according to available evidence, performed services under the supervision and control of Government employees. These services may have been obtained and used in violation of civil service laws. We also found that the process used to obtain adjunct faculty was not subject to full and open competition.

In response to our draft audit report, your office expressed general disagreement with the findings. We considered your comments in finalizing this report.

In accordance with paragraph 10 of FEMA Instruction 1270.2, we request that you provide this office with written comments on the findings and recommendations within 60 days from the date of this memorandum. Your comments, based on an analysis of the report, should indicate concurrence or nonconcurrence with each finding and recommendation, reasons for nonconcurrence where appropriate, and actions initiated or planned by your office, including target completion dates, to comply with the audit recommendations.

Should you have any questions concerning this report, please contact me or Russ Symons on 646-3911.

Attachment

OFFICE OF INSPECTOR GENERAL

AUDIT REPORT

REVIEW OF THE PROCUREMENT PROCESS
FOR ADJUNCT FACULTY

AUDIT REPORT NO. H-21-90

FEDERAL EMERGENCY
MANAGEMENT AGENCY

SEPTEMBER 1990
DATE

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ATTACHMENT

I. INTRODUCTION AND SCOPE

The Office of Inspector General (OIG), pursuant to a request from the staff of the Congressional Subcommittee on Science, Research and Technology [1], conducted an audit of the process used by the National Fire Academy (NFA), and the Emergency Management Institute (EMI), for obtaining adjunct faculty. Both NFA and EMI are part of the Office of Training, Federal Emergency Management Agency (FEMA), and are located at the National Emergency Training Center (NETC) in Emmitsburg, MD. The objective of our audit was to determine if the procurement process used to obtain adjunct faculty was in compliance with applicable laws and regulations.

The EMI and the NFA are responsible for developing and delivering courses of instruction. The EMI, through the Federal Civil Defense Act of 1950, and other Acts, provides training in national security, technological hazards, natural hazards, and emergency processes. The NFA, through the Federal Fire Prevention and Control Act of 1974, provides training in the areas of fire protection management, fire prevention and control, and fire service technology. Both the EMI and the NFA use adjunct faculty to deliver training to individuals with emergency management responsibility within Federal, State, and local governments and the private sector. Training is delivered at NETC and at sites away from NETC through the field training delivery systems.

The EMI and NFA train approximately 8,000 students annually at NETC through the resident training program. At the delivery sites away from NETC, EMI and NFA train approximately 190,000 students annually. Both EMI and NFA utilize contract personnel as course instructors. These contractors are referred to as adjunct faculty. During the 18-month period of October 1988 through March 1990, EMI awarded 652 contracts valued at $1 million, and NFA awarded 1600 contracts amounting to $1.4 million for adjunct faculty. We reviewed 29 of these contracts, which, on average, totaled $187 per day and lasted 6 days (See Exhibit).

Our review was made in accordance with the Government Auditing Standards promulgated by the Comptroller General of the United States. Accordingly, our review included tests of records and other auditing procedures that we considered necessary under the circumstances. Field work was performed during March through July 1990 at the EMI, the NFA, and the NETC Procurement Branch.

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[1] This Subcommittee is part of the House Committee on Science, Space and Technology.

II. STATEMENT ON INTERNAL CONTROLS

Pursuant to the Federal Managers' Financial Integrity Act, OMB Circular A-123 requires managers to schedule and annually evaluate internal controls in their programs, activities, and functions. The internal control evaluations performed by the Office of Training for the period ending September 30, 1989, did not disclose any weaknesses in the adjunct faculty process or related procurement actions. However, as reflected in the Findings and Recommendations section of the report, we found that the procurement process for adjunct faculty was not adequate to ensure compliance with Federal laws and regulations.

III. HIGHLIGHTS

The adjunct faculty of the EMI and NFA, according to available evidence, performed services under the supervision and control of Government employees. Under this scenario, the services were personal in nature and, unless specifically authorized by law, could only be provided by a Government employee. However, the NETC contracting staff did not review the proposed adjunct faculty contracts to detect personal service attributes and to ensure related compliance with civil service laws.

We also found that the process used to obtain adjunct faculty was not subject to full and open competition. In most instances, the program managers decided, based on personal acquaintanceships or referrals, who should be considered for adjunct faculty positions. Generally, such requirements were not adequately advertised.

To address the above conditions, we have recommended that the Acting Director, Office of Training, instruct the contracting officer to review, in accordance with Federal standards, proposed service contracts for compliance with personal service restrictions. We also recommended that procedures be established to ensure full and open competition.

The results of our audit were discussed at an exit conference held in August 1990 with key officials from the Office of Training. During the same month, we also provided the officials with a draft report and requested written comments on the findings and recommendations contained therein.

Representatives of the Office of Training generally disagreed with the findings in the report. We have considered their comments in preparing this report and have included the entire text of their response in the Attachment.

We have also included in this report, a general comments section suggesting that the Office of Training consider using personnel appointment, rather than contract, to hire adjunct faculty. Unlike under the contract process, personnel appointment would place greater emphasis on the qualifications of potential instructors. Under the appointment process, the Office of Training could also supervise adjunct faculty and exercise greater flexibility in establishing duties and responsibilities.

IV. FINDINGS AND RECOMMENDATIONS

A. Personal Services Contracts

A personal services contract, according to the Federal Acquisition Regulation, Section 37.101, is "... a contract that, by its express terms or as administered, makes the contractor personnel appear, in effect, to be Government employees". However, Government agencies are required to obtain their employees by direct hire under competition, or excepted appointment, or by other procedures required by civil service laws. Obtaining personal services by contract, rather than by direct hire, circumvents civil service laws unless the Congress, by statute, has specifically authorized an agency to acquire personal services by contract.

Through review, we found that the NFA and the EMI obtained and used adjunct faculty under contracts that appeared to be for personal services. However, the contracting staff at NETC did not follow established Federal procedures to identify personal service contracts and to ensure they were legally authorized. Thus, such contracts may have been awarded in violation of the civil service competitive hiring process, personnel ceiling and salary limitations.

The Federal Acquisition Regulation, Subpart 37, provides guidelines and assigns the contracting officer with the responsibility for reviewing and determining if a contract is for personal or nonpersonal services. A personal services contract allows Federal employees to provide continuous control and supervision over the contractor's work and is evidenced by six elements. The contracting officer must use the six elements, which are identified in the Federal Acquisition Regulation, to determine the nature of the service contract. The absence of any one element out of the six would not mean that supervision is not permitted by the contract, but only that there is a less likelihood of its existence. If the contract gives the appearance of personal services, the contracting officer must obtain a legal opinion from the Agency's General Counsel on the authority to award such contracts.

Our review showed that these procedures were not implemented. Specifically, we reviewed 29 adjunct faculty contracts and found, as illustrated herein, that all 29 met the standards established for a personal services contract.

- Element No. 1 - Performance on Site

  Under each of the 29 contracts, the adjunct faculty provided the training at the Government-owned facility (NETC) located at Emmitsburg, MD.

- Element No. 2 - Principal Tools and Equipment Furnished by the Government

  Under all 29 contracts the program office (either NFA or EMI), provided the adjunct faculty with course materials, video aids and/or other training paraphernalia.

- Element No. 3 - Services Provided are in Furtherance of an Assigned Function or Mission

  The NFA and EMI are statutorily required to provide fire and civil defense training, respectively, to appropriate individuals in Federal, State and local governments, and the private sector.

- Element No. 4 - Comparable Services are Provided by Federal Employees

  We determined that certain NFA and EMI staff served as instructors for NETC courses in the area of fire and civil defense.

- Element No. 5 - The Need for the Services Extended Over a Year

  Training of Federal, State, local and private sector officials is a statutory requirement. Therefore, such training has occurred and will continue to occur, from year to year.

- Element No. 6 - The Inherent Nature of the Service Requires Government Direction and Supervision of Contract Employees

  The EMI and the NFA are required by law to provide training in civil defense and fire, respectively. Pursuant thereto, FEMA acquired a training facility at Emmitsburg, MD, and the EMI and the NFA developed courses and maintained an ongoing program to recruit and train Federal, State, local and private sector officials.

  In furtherance of its statutory mission, we believe the Agency also has an inherent duty to direct and supervise adjunct faculty in course delivery to ensure training courses fulfill their ultimate goal. We found physical evidence which indicated that EMI and NFA officials think likewise. The performance plans of several EMI and NFA program managers showed that they were required to supervise adjunct faculty and classroom activities. Similarly, one contract specifically provided for the program manager to guide and instruct the adjunct faculty in course delivery.

In our opinion, the above factors indicate supervision and control by Government employees over adjunct faculty and, hence, personal services contracts. These appearances of personal services had gone undetected because the contracting officer when processing proposed adjunct faculty contracts did not review them for personal services attributes. The contracting officer informed us that this was not done because she understood that no such contracts were allowed in the Agency. Contracting and personnel officials in FEMA's National Office indicated this to be the case. However, to ensure adherence to this practice, required reviews of proposed service contracts must be conducted.

In response to the draft report, the Office of Training disagreed with our conclusion that the contracts were personal services in nature. Essentially, the response indicated that the draft report did not document actual supervision of adjunct faculty by Government employees, and, accordingly, did not prove the existence of personal services contracts.

We disagree. Granted, we did not observe adjunct faculty during the performance phase; however, the audit procedures applied strongly indicate that such contracts were for personal services. First, it is important to note that each contract met the six Federally established descriptive elements of a personal services contract. Moreover, provisions in performance plans of EMI and NFA employees, and the express terms of one contract, stipulated that Federal Program Managers would provide supervision to adjunct faculty. These factors present a prima facie case of personal services and fully support our recommendation that the Office of Training needs to review all service contracts in accordance with existing Federal regulations.

Recommendations

We recommend that the Acting Director, Office of Training, instruct the contracting officer, in writing, to:

1. Review service-related contracts using the Federal Acquisition Regulation elements, document such reviews, and make an initial determination on whether contracts are personal or nonpersonal service in nature; and

2. Obtain a written opinion on legality from the Agency's General Counsel when proposed contracts appear personal service in nature and maintain such correspondence in contract files.

B. SELECTION OF ADJUNCT FACULTY

Government contracting regulations encourage full and open competition in awarding Government contracts. Full and open competition means that all sources are permitted to compete. Our review showed that procedures followed by the NFA and EMI in selecting prospective contractors as adjunct faculty restricted competition.

Through review we found that both the EMI and NFA contracted for adjunct faculty positions. At the EMI, each program manager through personal knowledge of individuals, or referral from emergency service organizations and agencies, compiled a list of individuals that should be considered for adjunct faculty positions. Once identified, the EMI trained the individuals through agency-sponsored programs and observed the individuals in a teaching environment. If the candidates successfully completed the course, they were included on a list as being qualified to instruct the specific course. The qualified individuals were then contacted by NETC contracting personnel to submit bids and the lowest bid was selected. In our opinion, the above process restricted competition because program managers limited the universe of prospective contractors to individuals that they knew.

At the NFA, the process for developing the list of prospective contractors and bidders was left to the discretion of program managers. Several program managers developed the list based on recommendations received from other program managers or students. Other program managers developed the list of prospective contractors and bidders by advertising in fire association newsletters and trade magazines. We believe that the latter process complied with the Federal Acquisition Regulation by providing open competition; however, the former did not.

At the NFA, we identified another problem concerning competition. NFA has one set of standards for qualifying adjunct faculty. However, once contractors were qualified, the NFA designated some as "lead" and others as "support". No qualification criteria was available to distinguish between the two. However, the lead adjunct was allowed to bid for certain contracts while the support adjunct was not. Without clear and distinct qualification criteria, there are no safeguards to ensure fair and equitable treatment.

In summary, the EMI and NFA process for obtaining adjunct faculty did not provide for full and open competition. Consequently, all qualified and interested candidates were not given an opportunity to compete and the EMI and NFA may not have obtained the best instructors.

In response to our draft report, the Office of Training stated that requirements for full and open competition were not applicable for adjunct faculty. Instead, they indicated that the procedures for small purchases governed. These procedures indicate that purchases under $25,000 may be made without securing competition.

We disagree. The small purchase procedures apply to nonpersonal service contracts, and as illustrated by Finding A, the adjunct faculty contracts appeared personal service in nature. Thus, the principles of full and open competition govern.

Recommendations

We recommend that the Acting Director, Office of Training:

1. Develop and implement polices and procedures to ensure full and open competition for adjunct faculty. Such policies and procedures should provide for advertising in trade magazines and in national contract publications, i.e. Commerce Business Daily; and

2. Develop separate qualification standards for both lead and support adjunct faculty at NFA, and communicate these standards to prospective candidates.

V. GENERAL COMMENTS

In our opinion, the contracting process may not be the most effective for obtaining adjunct faculty. First, we understand that contracts for adjunct faculty could probably be written and administered as nonpersonal services contracts. Under this scenario, adjunct faculty would serve essentially as independent contractors, not subject to supervision from either EMI or NFA staff. We believe that this process would not allow Agency staff to exercise the requisite control and direction of instructors needed to fulfill its training mission.

Further, because adjunct faculty contracts were under $25,000, such contracts for nonpersonal services could be let under the small purchase process of the Federal Acquisition Regulation and, accordingly, be awarded to the lowest qualified bidder without regard to the highest quality source. Additionally, under the small purchase process, those bidders that are in close proximity to NETC would more than likely submit lower bids than their more distant counterparts, thus affording them a competitive edge.

We believe that the personnel appointment process would better meet the Agency's adjunct faculty needs for several reasons. First, the adjunct faculty staff would be subject to the supervision of the EMI and the NFA permanent full-time staff. Direction and control of course instructors, in our opinion, is of absolute necessity if the Agency is to properly accomplish its statutory training mandate.

Second, the personnel appointment process would provide for a competitive process based on merit in the selection of instructors, and would eliminate the need to process hundreds of contracts yearly and the related processing and administrative costs.

Finally, under the personnel appointment process, the Agency would have flexibility in establishing the duties and responsibilities of faculty members, unlike under a contract which requires a rigid statement of work for a specific purpose.

In conclusion, we believe the Agency should consider obtaining a cadre of intermittent employees to serve as instructors to meet the NFA and EMI course instruction needs. Such employees would be activated and paid only when needed. In the meantime, where contracts are used to obtain adjunct faculty, the Agency should comply with Federal procurement standards.

EXHIBIT
Page 1 of 2

AVERAGE DAILY FEE BY CONTRACT

NFA	FEE	NUMBER OF DAYS	AVERAGE DAILY FEE	
EME-0-0025	$550.00	2	$275.00	
EME-0-0287	$1,500.00	10	$150.00	
EME-0-0288	$1,500.00	10	$150.00	
EME-0-0496	$1,500.00	10	$150.00	
EME-0-0052	$500.00	10	$50.00	LOWEST
EME-0-0024	$800.00	2	$400.00	
EME-0-0053	$940.00	10	$94.00	
EME-0-0159	$1,600.00	10	$160.00	
EME-0-0158	$1,500.00	10	$150.00	
EME-0-0212	$1,500.00	10	$150.00	
EME-0-0026	$195.00	1	$195.00	
	$375.00	1	$375.00	
EME-0-0213	$1,600.00	10	$160.00	
EME-0-0083	$1,000.00	5	$200.00	
EME-0-0084	$1,125.00	5	$225.00	
EME-0-0085	$1,125.00	5	$225.00	
EME-0-0086	$250.00	1	$250.00	
EME-0-0027	$2,500.00	5	$500.00	HIGHEST
	$20,060.00	117	$171.45	
Average Days		7		

(Cont.)

EMI	FEE	NUMBER OF DAYS	AVERAGE DAILY FEE	
EME-9-2425	$1,250.00	5	$250.00	
EME-0-2262	$800.00	4	$200.00	
EME-0-1165	$800.00	4	$200.00	
EME-9-2291	$600.00	3	$200.00	
EME-9-2208	$600.00	3	$200.00	
EME-0-1040	$450.00	2	$225.00	
EME-9-2417	$1,440.00	9	$160.00	} LOWEST
EME-0-1062	$1,120.00	7	$160.00	
EME-0-1136	$450.00	2	$225.00	
EME-9-0916	$1,800.00	9	$200.00	
EME-9-2411	$900.00	4	$225.00	
EME-9-2502	$1,912.50	3	$637.50	HIGHEST
	$12,122.50	55	$220.41	

Average Days 4

Total Fee $32,182.50

Total Days 172

Total Overall Average Daily Fee $187

Total Days 172

Total Contracts 29

Total Overall Average Days 6

Federal Emergency Management Agency
Washington, D.C. 20472

SEP - 4 1990

MEMORANDUM FOR: Gary J. Barard
Assistant Inspector General for Audit
Office of Inspector General

FROM: Laura B. Buchbinder Laura Buchbinder
Acting Director
Office of Training

SUBJECT: Draft Report-Review of the Procurement
Process for Adjunct Faculty

We have reviewed the draft audit report dated August 22, 1990, and we offer the attached comments.

In summary, we disagree with many of the findings contained in the draft report and believe the draft audit report does not support many of the findings.

We appreciate your effort to help us identify real or potential problems, and I trust we will be able to improve our procurement process as a result of your audit.

Upon receipt of your final report, we will provide a written response which describes our implementation of the recommendations contained in your report.

We thank you for the opportunity to comment on the draft audit report.

Attachment

Page 2, Paragraph 1. We have no comments.

Paragraph 2. Beginning with the first sentence, this paragraph should read: "EMI and NFA are responsible for developing and delivering courses of instruction. EMI, through the Federal Civil Defense Act of 1950, Robert T. Stafford Disaster Relief and Emergency Assistance Act, National Security Act of 1947, National Flood Insurance Act of 1968, Flood Disaster Protection Act of 1973, and Earthquake Hazards Reduction Act of 1977, provides training in national security, technological hazards, natural hazards, and emergency processes. NFA, through the Federal Fire Protection and Control Act of 1974, provides training in the areas of fire protection management, fire prevention and control, and fire service technology."

The last sentence of this paragraph should read: "Both EMI and NFA use adjunct faculty to deliver training to individuals with emergency management responsibility within Federal, State, and local Governments and the private sector. The training is delivered at NETC and at sites away from NETC through the field training delivery systems.

Paragraph 3. Beginning with the first sentence, this paragraph should be changed to read: "EMI and NFA train a total of 8,000 students annually at NETC through the resident training program. At the delivery sites away from NETC, EMI and NFA train approximately 190,000 students annually."

Page 4, Paragraph 1. The report references the Federal Managers' Financial Integrity Act and OMB Circular A-123. We are unsure why these are cited since we do not see a potential for waste, fraud, mismanagement or misappropriation in the process of contracting for adjunct faculty. In addition, we recommend the last sentence of this paragraph be deleted based on information which is provided later in this memorandum.

Page 5, Paragraph 1. We disagree with the statements that adjunct faculty performed services under the direct supervision of Government employees and that the services were personal in nature. The audit report, as we will show, fails to demonstrate in a credible fashion that contractors were actually subject to Government supervision.

The fourth sentence in this paragraph should be clarified. Although reference is made to the NETC contracting staff, does this actually mean the NETC contracting officer and procurement staff or does it mean anyone involved in the procurement process as Mr. Symons, Chief, Audit Division indicated it could mean in his discussion with Ron Face, Assistant Director and Chief, NETC Operations and Support Division?

The last sentence of the paragraph should either be confirmed and supported, or deleted.

Paragraph 2. The report states that the process for obtaining adjunct faculty was not subject to full and open competition. FAR Part 6 prescribes the policies and procedures to promote full and open competition. Part 6.001 states, "This part applies to all acquisitions except-(a) Contracts awarded using the small purchase procedures of Part 13." This area of concern will be more fully discussed later in our response. There is nothing improper about building source lists through personal knowledge of available sources and referrals, as is suggested in the draft report.

The next to last and last sentence in paragraph 2 contains references to adjunct faculty "positions." This terminology should be changed to "contract requirements."

Paragraph 3. In this paragraph we presume "procurement staff" to mean the NETC Operations and Support Division procurement staff consisting of the contracting officer, contract specialists, and purchasing agents.

Page 6, Paragraph 1. We have no comment.

Paragraph 2. The first sentence of the paragraph is not accurate. Based on what facts did the auditors come to this conclusion? Generalizations are made, yet not one specific contract is cited to support this finding. The report refers to 29 contracts which were reviewed, but does not identify which of the 29 may have been awarded for personal services. Should it be assumed that all 29 appear to be personal services? This area of the report needs to be clarified.

Again, the reference contained in this paragraph to "contracting staff" should be clarified.

The last sentence in paragraph 2 should be conclusive, or else it should be deleted. The audit should be able to support categorically whether or not there were violations of civil service laws.

Page 7, Paragraph 1. The second sentence of this paragraph refers to the use of six elements identified in the Federal Acquisition Regulation which should be used as guides to determine whether or not a contract is for personal services. The next paragraph goes on to compare the contracts against these elements. The audit finding on Page 5 indicates that the contracts were personal services based on only one of the six standards. This inconsistency should be addressed.

The last statement in this paragraph, "Our review showed that these procedures were not implemented," is not adequately supported by the report. How did the auditors conclude that the procedures were not implemented in light of the fact that there is no requirement for a written determination to be placed in the contract file. The files contained no requests for legal opinions because the contracting officer did not find any doubtful cases, in her opinion. The fact that the auditors' opinions differ with the opinions of the contracting officer is not in itself a basis for concluding that procedures were not implemented.

Paragraph 2. The phrase "out of 2,250" should be inserted in the first sentence after the number 29.

With respect to the audit reports discussion of the six elements to be used as guidelines in assessing whether contracts are for personal services, we have the following comments:

1. We agree with the findings with respect to the first three elements. However, the substance of these guidelines are contained in many Government contracts and do not make the contracts personal service contracts.

2. The fourth element is not an accurate statement and should be clarified. It should read, "EMI and NFA staff taught some portions of some of the same courses. The element against which the contract is judged is "performance by Government employees of comparable services, meeting comparable needs." The services performed by adjunct faculty are not comparable to the work performed by EMI or NFA staff. Our staff provide classroom instruction only when an adjunct cancels at the last minute or when a course is new and being piloted as part of the development process, and there are no qualified instructors available. EMI or NFA staff may be required to make presentations concerning some FEMA/NETC issue or program during a course offering. This should not be considered instruction, nor is it comparable to the services provided by the adjunct instructors.

3. Additional information should be included under the fifth element. The report should contain the statement, "The majority of contracts for adjunct faculty required performance of services for two weeks or less." While the need for adjunct instructors is recurring, it is of significant importance that the individual contracts at issue are short-term, lasting far less than one year. The guideline for assessing personal services found at FAR Subpart 37.104(d)(5) states "the need for the type of service provided can reasonably be expected to last beyond 1 year."

4. The first sentence in the discussion of the last element on page 8 is not accurate. The report does not support this finding. The report bases its finding on the statement that for

15 of the 29 contracts, the performance plans of program managers required them to supervise adjunct faculty and classroom activities. The report does not document actual supervision of the adjunct faculty by the program managers. In spite of the language which may be contained in the performance plan, it must be demonstrated that through their actions, in terms of the way in which the contracts were administered, the project managers supervised the adjunct faculty. According to FAR Subpart 37.104(c)(1), " An employer-employee relationship under a service contract occurs when, as a result of (i) the contract's terms or (ii) the manner of its administration during performance, contractor personnel are subject to the relatively continuous supervision and control of a Government officer or employee." Project officers are authorized and required to assist the contractor in interpreting technical requirements of the statement of work of their contract and to follow the progress of the work. It cannot be assumed that the project officers supervised the adjuncts merely because of language in their performance plans.

The audit report identified only one out of 2,250 contracts awarded for adjunct which specifically stated that the adjunct faculty would receive supervision from the project manager. It is our belief that this was a misuse of the term "supervise." It was not intended, nor is there sufficient evidence to demonstrate that contracts were awarded or administered for personal services.

Page 8, Paragraph 2. We disagree with the statement, "the factors as described in the audit findings clearly established an employer-employee relationship and resulted in the award of personal service contracts." According to Federal Acquisition Regulation Subpart 37.104(c)(2), "Each contract arrangement must be judged in the light of its own facts and circumstances, the key question always being: Will the Government exercise relatively continuous supervision and control over the contractor personnel performing the contract. The sporadic, unauthorized supervision of only one of a large number of contractor employees might reasonably be considered not relevant, while relatively continuous Government supervision of a substantial number of contractor employees would have to be taken strongly into account."

The audit report does not demonstrate that continuous supervision and control over contractor personnel existed while adjunct faculty were performing under contract.

Paragraph 3. The first sentence is not accurate as discussed earlier in this memorandum. The second sentence is also not accurate. This sentence should read: "The contracting officer informed us that no contracts for personal services have been awarded because such contracts are not allowed in the Agency."

Recommendations

Page 9, Paragraph 1. We concur with this recommendation.

Paragraph 2. We concur in general with this recommendation and suggest the following language: "Obtain a written opinion on legality from the Agency's General Counsel when proposed contracts appear to the contracting officer to be personal services in nature, and that written opinion is to be maintained as part of the contract file."

Paragraph 3. This recommendation should be deleted in favor of the language provided above. FAR does not require each file to contain a written determination regarding personal services.

Selection of Adjunct Faculty

Page 9 Paragraph 4. While we do not disagree with the text of the paragraph, we disagree with its relevance. Adjunct faculty awards are handled in accordance with small purchase procedures outlined in FAR Part 13. Part 13 does not require full and open competition for small purchases. Purchases not exceeding $2,500 may be made without securing competition if the contracting officer considers the prices to be reasonable. Purchases over $2,500 require solicitation from a reasonable number of sources to promote competition to the maximum extent practicable. FAR Subpart 13.106(a)(5) states, "Solicitation of at least three sources may be considered to promote competition to the maximum extent practicable."

Also in, paragraph 4, the word "position" should be changed. Adjunct faculty are not positions to be filled, but are contract requirements to be met. Personnel terms should not be used in referring to procurement actions. This is the second time in which the report refers to adjunct faculty "positions." This demonstrates how easy it is to use terminology incorrectly and we agree that in some instances some of our documents (i.e., performance plans) may have unintentionally contained words like "supervise" when we intended to say "monitor."

Page 10, Paragraph 1. This paragraph does not contain an accurate description of the train-the-trainer process or the process used to become qualified as an adjunct instructor for EMI. First, the purpose of the train-the-trainer program is to qualify instructors to teach in the field at and for the State and local level Governments. Candidates for train-the-trainer are selected by the States. These individuals then provide training in the field and are not contracted by EMI to conduct the field Training. They do not automatically get added to a list of qualified adjunct faculty for specific resident courses.

Paragraph 2. As stated earlier, full and open competition is not required for small purchases.

Paragraph 3. We agree with the findings.

Page 11, Paragraph 2. Again we disagree with the need to provide full and open competition for small purchases. Additionally, the last sentence in the paragraph is inappropriate. Small purchase procedures do not allow for award based on technical superiority. The objective is to fill our requirements with supplies or services which meet our minimum need. Awards are to be based on lowest price, not the "best instructor." The report should more properly address whether awards were made at fair and reasonable prices.

Recommendations

1. We do not concur with this recommendation because it is inconsistent with small purchase procedure requirements for competition. We would concur with a recommendation to develop and implement policies and procedures to increase competition for adjunct faculty.

2. We concur with the recommendation.

Mr. **Barard.** Now I would like to take several minutes to briefly explain the content of that report.

The audit objective was to determine if the procurement process used for obtaining adjunct faculty complied with Federal laws and regulations. We looked at two components within the Office of Training. These were the Emergency Management Institute and the National Fire Academy. I understand that you are only concerned with the National Fire Academy. Therefore, my comments on the audit findings will be limited to that component only.

Through audit, we determined that the National Fire Academy obtained hundreds of adjunct instructors yearly to instruct courses in fire protection management, fire prevention and control, and fire service technology. We reviewed 17 actions to obtain such individuals. In these cases, the instructors were obtained under contract, which, on average, lasted seven days, and they were paid, on average, $170 per day.

Through audit, we found strong indications that the National Fire Academy obtained the adjunct faculty through personal service contracts in possible violation of the Civil Service competitive hiring process, personnel ceilings, and salary limitations.

A personal service contract, according to Federal regulations, is a contract that, by its express terms or as administered, makes the contracted personnel appear, in effect, to be Government employees. However, Government agencies are required to obtain their employees by direct hire under competition, or accepted appointment, or by other procedures required by Civil Service laws.

Obtaining personal services by contract rather than by direct hire circumvents the Civil Service laws unless the Congress, by statute, has specifically authorized an agency to acquire personal services by contract.

Through review, we found that the National Fire Academy hired adjunct contractors, and those contractors appear to have been performing personal services.

The contracting staff at the NETC did not follow established—Federal established procedures to identify personal service contracts and to ensure that such contracts were legally authorized.

We spent several hours discussing this issue with the staff—with FEMA staff in the Office of General Counsel, and, after such discussion, a definitive conclusion was not reached on whether the agency possessed authority to use personal service contractors. More research was needed.

Our audit also found that the process used to obtain adjunct faculty did not involve full and open competition. In most instances, the program managers decided, based on personal acquaintanceships or referrals, who should be considered for adjunct faculty positions. Generally, such requirements were not advertised.

To address the conditions in our report, we have recommended to the Office of Training that they instruct the contracting officer to review, in accordance with Federal standards, proposed service contracts for compliance with personal service restrictions. We also recommended that procedures be established to ensure full and open competition.

Representatives of the Office of Training generally disagreed with our findings that we presented to them in a draft report. We have considered their comments in preparing our final report but have decided, for reasons explained in that report, that our findings should be sustained.

We have also included in this report a general comment section suggesting that the Office of Training consider using personnel appointments rather than contracts to hire adjunct faculty. Unlike under the contract process, personnel appointments would place greater emphasis on the qualification of potential instructors. Using the appointment process, the Office of Training could also supervise adjunct faculty and exercise greater flexibility in establishing duties and responsibilities.

This concludes my opening statement, Mr. Chairman.

Mr. VALENTINE. Thank you, sir.

Before I go to Ms. Buchbinder and Mr. Casey, let me just clarify one or two things here with you, sir.

You are, of course, with the Office of the Inspector General. Are you assigned to FEMA on a permanent basis? What I have before me lists you as assistant inspector general for the Audit Division, Office of the Inspector General, Federal Emergency Management Agency. Tell me a little bit about your connection with FEMA.

Mr. BARARD. The Office of the Inspector General in FEMA is a separate, independent, objective office, sir. We have an inspector general that is appointed by the President, confirmed by the Senate. Within the inspector general's office, we have two assistant inspector generals, one for audit and one for investigation. I serve as the assistant inspector general for audit. I serve in that capacity as a permanent, full-time employee with Civil Service protections, sir.

Mr. VALENTINE. All right.

Now where is your—your office is not with FEMA?

Mr. BARARD. Yes. Yes, it is.

Mr. VALENTINE. Well, let me just cut through. FEMA doesn't have anything to do with your situation, hiring and firing you; you are completely independent and separate from their organizational structure.

Mr. BARARD. That is correct, Mr. Chairman.

Mr. VALENTINE. All right, sir.

Ms. Buchbinder.

Ms. BUCHBINDER. Mr. Chairman, I am Laura Buchbinder, the acting director of the Office of Training, and am also the superintendent of the Emergency Management Institute. I am here to discuss the findings of the IG report on our procurement of adjunct faculty.

It is a particular honor to appear before this subcommittee since I started my Federal career in the National Fire Prevention and Control Administration and spent a number of years working in the fire arena.

Since the IG's report, as mentioned, focused on policies and procedures within the entire Office of Training, my comments are going to address the overall OT response to the report, and then Mr. Casey will focus in a bit more on specific NFA issues.

As has been previously noted, the Office of Training consists of two schools, the Emergency Management Institute and the National Fire Academy, and then there are three support divisions. Our mission is basically to support the entire emergency management community—fire, police, public works, et cetera—by providing access to quality training which will improve State and local response to a whole variety of hazards ranging from fire to catastrophic earthquake to civil defense and nuclear attack. As vital as this mission is, we have to accomplish it within Federal processes and procedures and the resources that are given to us.

I just might comment that the integrated approach to training that you see in the Office of Training really reflects the integrated approach to emergency management that was one of the cornerstones, I think, of the establishment of FEMA, which, as you know, was comprised or put together from a number of different independent agencies dealing with various hazards.

Training is a people program. The Office of Training provides assistance to over half a million individuals each year in the form of course delivery, resident and field; provision of training materials; teleconferences; home study; and exercise assistance. Of that total, NFA reaches about 300,000 per year alone.

In providing this assistance, if you just look at the resident curriculum of the National Fire Academy and the Emergency Management Institute, you will notice that there are about 100 different courses offered, many of which are offered several times each year.

It would be impossible for us to support a curriculum of that scope using only our limited staff resources within the Office of Training. Instead we use the procurement process to provide assistance via adjunct faculty. Adjunct faculty are subject matter experts who deliver courses or parts of courses in their areas of expertise. I would agree with previous comments that the ability to tap into a pool of expertise with hands-on current experience in the areas that we deal with is a real strength from the perspective of both schools.

Let me turn a bit to the findings of the IG report, and, as Mr. Barard mentioned, we don't totally agree. I think the issue—

Mr. VALENTINE. I understand that, but it is not necessary that you agree.

Ms. BUCHBINDER. I know that. I know that. I understand that, sir. I just wanted to present our perspective, if I may.

We don't really believe that our staff supervise adjunct faculty. We are responsible for the quality and the content of the curriculum that we offer, and we do monitor and oversee products that are provided. The product is the course or the portion of a course. But we believe this is consistent with good contract management procedures. With any kind of contract, it is important to interact with the individuals who are performing, or who are providing the product to you.

So we think that the problem perhaps is one of terminology that is used in some of the statements of work, in the procurement procedure, that would lead one—and I think reasonably so—to conclude that they are personal services contracts. One of the things that we are already working to do is to provide some additional training to our faculty, to our staff, in terms of the appropriate way to develop the scope of work and appropriate contract administration procedures, so that we don't step into some areas that perhaps we shouldn't.

Both the Fire Academy and EMI are interested in expanding the pool of qualified bidders for course development and for adjunct faculty. We want open competition, but you have also got to balance competition against being sure that you have got fully qualified individuals to do the job. If a contractor does a poor job of painting your house or your room, they can come back in and repaint it. If an adjunct faculty member doesn't do a good job, the students cannot be retaught; so we are very concerned that our bidders are fully qualified.

Constraints are also imposed by limited resources, which leads to the issue of cost effectiveness. In trying to balance the need to get quality, the need to provide for competition, and the need to be cost effective, there are instances where you may get an adjunct faculty person which is not the best qualified, but I would submit—and I think Mr. Casey will back me up on this—that we believe that they are qualified if they meet the list. In other words, they are fully qualified to perform the service; they just may not be the best person in the whole wide world to do it. And, again, the factor that we are working against is cost.

There is one thing I want to clarify, because it was noted, I think, by the Board of Visitors (BOV) as well: The process that we use, the procurement process, does include travel expenses in the bid. In other words, a qualified listing of people would be developed, and then they would basically submit their estimate for what it would cost to deliver the given product, and that estimate must include travel expenses. Then the selection is made from that list of people who are qualified by specified criteria, Mr. Casey will dicuss the specific procedures that the Fire Academy uses to determine qualifications.

In this instance, we will admit that sometimes the need to be cost effective, to take the low bid among those who are qualified, may result in our resident program in some bias toward the East Coast, because travel expenses are less; therefore, the bid will come in lower. But, again, if you have limited resources, you want to get a qualified person at the lowest possible cost, so that is what we try to do.

I acknowledge in my testimony that NFA's effectiveness is affected by budget cuts and ongoing resource constraints. I think that is true of many Federal programs. I would maintain, though, that the resources are applied in a manner that is consistent with the budget structure and the budget submission to Congress.

One of the problems that the Fire Academy has is that its salaries and expenses allocation is not adequate to support their FTE—full-time equivalent—at the grade level that we believe is necessary to carry out the mission of the Fire Academy. The Fire Academy isn't unique in this in that this has been a problem in a number of programs within FEMA. In fact, part of EMI's funding comes from civil defense, and the civil defense program just transferred program funds to S&E to try to address that problem at 60 cents on the dollar. So it is a universal problem. It is an issue that we are trying to address through the budget structure, and have been wrestling with.

As I draw to a close, I just want to note a few very positive things that are happening. First, as has been noted before for almost two years, the Fire Academy has been without a permanent, full-time superintendent. Our new leadership has received approval from the White House to institute a nationwide recruitment for a new superintendent, and I submitted for the record a draft of the process that will be used in recruiting that superintendent, and I would just ask you to note that the Fire Administrator, Olin Greene, plays the pivotal role, that the fire service constituency will have input into the screening of applicants for that position.

I would just like to mention a few areas where I think there has been some very positive cooperation between the two schools within the Office of Training. Hazardous materials is probably one of the best examples, where there is a national problem. The Fire Academy provides the training in critical response and incident management issues; the Emergency Management Institute provides the training, the planning, the exercising, and the policy development issues.

The Incident Command System (ICS) has long been promoted by the Fire Academy as the system to manage fire and other emergency activities. However, if you are looking at a major disaster where you have multiple response units, if only the fire service is familiar with ICS, you are not going to have an effectively managed emergency. Therefore, EMI is developing modules for police and for public works personnel that are consistent with the Fire Academy's training module for the fire service in the area of ICS.

Just last week, we had the senior staffs from both schools on a two-day management workshop looking at areas where we might draw on each other's experience.

In the area of trying to improve minority demographic and volunteer representation, I would just like to point out a couple of things that I think we are particularly proud of.

The Fire Academy changed their admission procedures last year from a process of first come, first served, if you will, in terms of application, to a two-semester process where the selections are made on the basis of those with the best qualifications, and that will broaden the number of people that can come to the Fire Academy.

The other program which has been very effective—and we gets lots of positive feedback from the students on it—is the volunteer incentive program. I believe, as mentioned earlier, most Fire Academy courses are two-week courses. For volunteers, it is almost impossible to get away from their full-time jobs for two weeks. Therefore, the Fire Academy developed two one-week courses that are specifically targeted at volunteers, and they take place over the weekend. This has been, as I said, very popular, and I think Mr. Casey may mention some of the figures, but it is reaching the volunteer audience.

In conclusion, I would just say, I don't deny that lack of a superintendent and resource constraints have had an impact on NFA's ability to meet the diverse needs of the Nation's fire service, but I would emphasize that we are optimistic now. FEMA has been without its top leadership now for some time, which is one reason why selection of the superintendent was deferred. We have our new leadership in the form of Mr. Stickney and Mr. Jennings, and they have been very supportive in their public statements of fire programs and of the importance of training in improving State and local emergency capability.

We appreciate the input from the inspector general, and we will be making—in fact, we have already started—some initiatives to begin to respond to some of their concerns that were noted in the report.

Again, I appreciate the opportunity to appear here and will be glad to answer any questions that you might have.

[The prepared statement of Ms. Buchbinder follows:]

STATEMENT OF

LAURA B. BUCHBINDER

ACTING DIRECTOR

OFFICE OF TRAINING

FEDERAL EMERGENCY MANAGEMENT AGENCY

BEFORE

THE SUBCOMMITTEE ON SCIENCE, RESEARCH, AND TECHNOLOGY

OF THE

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

UNITED STATES HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 1990

Mr. Chairman, I am Laura B. Buchbinder, Acting Director of the Federal Emergency Management Agency's (FEMA) Office of Training (OT). I appear before you today to discuss the preliminary findings of the Inspector General's (IG) audit of procedures used to acquire adjunct faculty at the National Fire Academy (NFA).

Although the focus of the hearing is NFA, the IG's report addressed procedures within the entire Office of Training. Therefore, my comments will address OT issues and Mr. Casey will then discuss specific NFA acccomplishments, issues, and procedures.

The Office of Training was established in 1988 to provide for a greater integration of all training programs within FEMA. As you know the Office of Training consists of two schools, NFA and the Emergency Management Institute (EMI), and three support units. The mission of the Office of Training is to serve the entire emergency management community of this Nation by providing access to quality training to improve the capability of communities to address and protect the public from the effects of hazards ranging from fire to catastrophic earthquake to nuclear attack. As vital as this mission is, it must be accomplished within the structure of Federal processes and procedures and with the resources authorized by Congress to carry it out.

To this end, the Office of Training provides assistance to over 600,000 State and local officials and volunteers each year in the form of course delivery, training materials, teleconferences, home study, and exercise assistance. Of that total, we estimate that 300,000 are reached through NFA programs alone. Like many other Federal programs, however, NFA is faced with requirements for support that exceed the personnel and fiscal resources available to fully carry out its legislatively mandated mission.

Let me expand a bit on this. Each year at NETC approximately 100 different courses/workshops are delivered to students from virtually every State and many foreign countries. It would be impossible to support a curriculum of that scope given the limited staff resources available. Instead, the procurement process is used to obtain that assistance via adjunct faculty, subject matter specialists who deliver courses or parts of courses in their areas of expertise.

Now let me turn to some of the findings cited in the IG's audit report. We do not believe that our staff "supervise" adjunct faculty, as indicated in the report. However, our staff do monitor classroom activities and provide technical guidance to interpret the statement of work to be performed. Consistent with the statements of work, our staff also review documents developed by the contractor. Such oversight is consistent with good contract management procedures, since we are responsible for the content and quality of instruction of all of our courses. In some instances noted by the IG, inappropriate terminology was used in performance plans and/or statements of work. To correct this problem we will ensure that our project officers receive additional specific training in the development of statements of work and administration of contracts.

Both NFA and EMI are also committed to expanding the number of qualified bidders for both course development and classroom delivery. However, again we must balance the need for competition with the requirement to ensure that bidders are fully qualified. In addition, there are constraints imposed by limited resources. The need to address all of these requirements (competition, quality, and cost-effectiveness) may, at times, result in a somewhat limited bid list, or in the selection of a "qualified" but perhaps not "best qualified" bidder. Since the procurement of our adjunct faculty and developers is accomplished via small purchase orders, "full and open competition" is not required under Federal Acquisiton Regulations. Travel expenses are also included in the bid, so the need to be cost effective may limit the geographic diversity of our adjunct faculty. Mr. Casey's testimony will provide additional information on this point. We are committed, however, to continue to seek ways to expand competition and ensure that we get the best product possible within resource constraints.

I must acknowledge that NFA's programs are being affected by ongoing resource constraints. I do, however, contend that all resources appropriated for the support of NFA are applied in a manner consistent with the budget structure and the budget submission to Congress, but NFA's Salary and Expense (S&E) allocation is not adequate to support its authorized Full- Time Equivalent level. This is the case with many programs within FEMA, as pay raises and other cost increases have been absorbed without additional S&E allocations. For example, in FY 1990, the Civil Defense program requested and received permission to convert program funds to S&E at a loss of $.40 on each $1.00 to address the same problem. It is an issue that FEMA will attempt to address both through budget submissions and possible reprogramming. However, given our current fiscal situation government-wide, there is no easy answer.

Finally, I would like to draw your attention to some very positive things that are occurring at NETC:

RECRUITMENT OF AN NFA SUPERINTENDENT--For almost 2 years, there has been no permanent, full-time NFA Superintendent. Our new leadership has received White House approval to institute a nationwide recruitment for a new Superintendent. I would like to submit for the record an outline of the process to be used and the desired qualifications. Both the USFA Administrator, Olin Greene, and the NFA Board of Visitors were asked for input in development of the process. Mr. Greene will play a pivotal role in the selection process.

COOPERATION BETWEEN NFA AND EMI--There are several ongoing initiatives which use the strengths of the two schools to advantage. Perhaps the most obvious example is in the hazardous materials arena, where EMI delivers courses addressing planning, exercising and policy issues, while NFA courses address critical response and incident management issues.

NFA has long been a leader in promoting the use of the Incident Command System (ICS) to manage fire and other emergency activities. However, to be effective in a major emergency, other responders, such as law enforcement, emergency medical services, and public works, must also be familiar with ICS concepts. Therefore, EMI is developing ICS training modules for law enforcement and public works personnel to supplement fire service training currently provided by NFA. Just this past week, September 5-7, 1990, the senior management of both schools met for 2 1/2 days to share information on programs and concerns and identify areas for further cooperation and collaboration.

EFFORTS TO IMPROVE MINORITY, DEMOGRAPHIC, AND VOLUNTEER REPRESENTATION--Both schools recognize their responsibility to reflect the geographic and cultural diversity of our Nation in our full time staff, our adjunct faculty, and our student body. While there is still room for improvement, we are making progress. For example, staff in both schools are evaluated on the extent to which they adhere to equal employment opportunity guidelines, and at EMI, the extent to which course managers are able to improve the minority representation in adjunct faculty is also noted. Last year, NFA changed their admission procedures. Instead of accepting applications on a "first-come, first-served" basis, which favored larger metropolitan areas, the Academy now has a two semester system which accepts students on the basis of "most qualified."

The recent addition of the Volunteer Incentive Program by NFA is another example of NFA's interest in expanding their audience. The vast majority of students participating over the years in the NFA on-campus resident program have been career personnel. On the other hand, nearly 50% of students participating in the Academy's off-campus, 2-day courses have been volunteers. Working closely with the National Volunteer Council and the State training systems, NFA concluded that the average two-week duration of resident courses was a significant factor limiting volunteer attendance. Two years ago, NFA developed two one-week, on-campus courses designed specifically for volunteers. These courses limit the number of days most volunteers spend away from their jobs. Yet these offerings maintain course content integrity and quality, while addressing those problems unique to the volunteer fire service.

In conclusion, we don't deny that the lack of a Superintendent and severe resource constraints have had an impact on NFA's ability to meet the diverse training needs of our Nation's fire service. However, we now have our top leadership on board in FEMA and that leadership is very supportive of our fire programs and of the importance of training in achieving and maintaining effective State and local fire and emergency management capabilities. We will continue to work diligently to improve and enhance the valuable training provided by NFA to our Nation's fire service personnel.

I appreciate the opportunity to appear before this subcommittee today, and would be glad to answer any questions you may have.

Attachment

PROCESS FOR SELECTION OF
SUPERINTENDENT, NATIONAL FIRE ACADEMY

While the Office of Training (OT) will be responsible for managing the selection process, all actions will be coordinated with the U. S. Fire Administration (USFA) and the Fire Administrator will have an active role in the selection process.

PHASE I: Development of Qualifications/Criteria for Selection

1. OT/National Fire Academy (NFA) Senior Staff prepares basic qualification list (see attached).

2. OT/NFA Senior Staff designs resume´ format and questionnaire that would be sent to all applicants upon request. (Process would be similar to that used for Harvard fellowship program).

3. A single FEMA point of contact in the FEMA Personnel Office is designated to handle inquiries related to the position.

PHASE II: Recruitment

1. Press releases are distributed to the widest possible audience announcing recruitment for the position.

2. Ads are placed in appropriate trade publications and newsletters (fire service, emergency management, city/county management, education and training) with a focus on newspapers, paid advertisements, etc. to get word out soon.

3. Letters describing the vacancy, desired qualifications, and the application process are sent to:

   - All past FEMA Harvard fellowship finalists.
   - All graduates of the Academy's Executive Fire Officer Program.
   - Leadership of all national fire services organizations.
   - All State and metro fire service training officials.
   - Professional Journals.

PHASE III: Review/Screening of Applications

1. FEMA Director appoints a six-member screening committee chaired by the Administrator, USFA. The remainder of the Screening Committee will be selected from individuals nominated by national fire organizations and the NFA Board of Visitors and will be comprised of individuals of national note with experience in one or more of the following areas: Fire Protection, Fire Prevention, Education/ Training, Emergency Management/Disaster Response, Local/State Government. These individuals should represent the fire community as a whole and not organization-specific issues.

2. Resumes´ and standard questionnaires from all qualified applicants are sent to each committee member for review.

3. Screening Committee meets to select 10 best qualified candidates.

4. Ten finalists are notified and scheduled for interviews in Washington.

PHASE IV: Selection

1. Interview Panel is convened consisting of the following members:
    - Administrator, USFA
    - Associate Director, External Affairs, FEMA
    - Associate Director, State and Local Programs, FEMA
    - Superintendent, Emergency Management Institute
    - FEMA Director of Personnel

2. Panel interviews 10 finalists using standard questions developed beforehand.

3. Panel selects and prioritizes list of three finalists.

4. List of three finalists is provided to Director and Deputy Director who interview each candidate.

5. Director appoints Superintendent after White House concurrence.

QUALIFICATIONS FOR OFFICE OF SUPERINTENDENT

NATIONAL FIRE ACADEMY

A minimum of a Bachelor's Degree is desired (Master's Degree is preferred).

The ideal candidate would possess the following qualifications:

Fire Prevention and Control

- Familiarity with major trends and developments in the U.S. fire service and the emergency management field.
- Knowledge of functions of fire departments and public safety organizations, including emergency medical services.

Education and Training

- Familiarity with current training needs and curricula within the U.S. fire service.
- Knowledge of the theories, principles, and techniques of adult education and education program development and delivery.

Leadership and Management

- Senior level management experience in an organization with a broad scope of fire related responsibilities/activities.
- Demonstrated interpersonal, leadership, and communication skills.
- Demonstrated commitment to the effective enforcement and implementation of Equal Employment Opportunity programs.
- Experience in preparation and presentation of policy positions, budget justifications and/or program information to diverse audiences including senior policy officials.

Governmental Processes and Procedures

- General knowledge of the legislative process as it pertains to budget preparation and justification and the roles and responsibilities of the three branches of government.

Mr. **Valentine**. Thank you.

Mr. Casey.

Mr. **Casey**. Mr. Chairman, I am James Faherty Casey, acting deputy superintendent of the National Fire Academy, and although I have only recently been assigned these responsibilities, it has been my privilege to be at the Academy and a part of its management team since 1980. My biographical sketch is attached for the record.

It is an honor to appear before you today to focus on the continuing role and responsibility of the National Fire Academy as we enter the 1990's and embark on a second decade of service, through education, to the Nation's fire service community.

Sir, if I seem excited and enthused, it is because I am honored, not only to be here as a citizen and a career Federal employee, but also to think that one can have a career such as mine and serve some of the finest in this Nation: The firefighters that are called upon to protect the citizens throughout this country day in and day out, and who are often forgotten in their task.

The Federal Government, as you are aware, purchased the Emmitsburg site in the spring of 1979, and within just a few years the U.S. Fire Administration and the Emergency Management Institute were relocated to the Emmitsburg site, and it is now referred to as the National Emergency Training Center.

In 10 years of operation, the National Fire Academy has truly gained a national reputation as an institution of academic excellence, dedicated to the legislated mandate that Congress saw fit to give to us in 1974. It is our mandate to assist in raising the professional capability of this Nation's fire service, the primary constituency of which consists of 1.3 million men and women throughout this Nation, all professionals, both career and volunteer.

The first class at the Academy graduated on a cold January day in 1980. There were 27 officers in that first charter class, and since that time the Academy has had over 5,600 direct course deliveries to over 157,000 officers of the fire service. When I say "direct," I am talking about those courses in which the Academy, either through their own personnel or their adjunct faculty, made the delivery.

In addition, there have also been an additional 70,000 course deliveries to over 1.5 million firefighters and officers throughout this Nation. These were offered at the State and local level by State and local fire service educators, but they were utilizing training materials that were developed, field tested, and handed off through the Academy's Train the Trainer Program—a million and a half served.

In summary, the Academy has made, in our opinion, a significant contribution toward assisting in the professional growth of the Nation's fire service—over the past 10 years, 75,000 Academy direct and indirect course deliveries to over 1.6 million firefighters, officers, and rescue personnel. This success must be attributed to many. It is attributed, first and foremost, to the able leadership in which the staff has served over this decade—past superintendents Dr. B.J. Thompson; Joseph L. Donovan; William Neville, Jr.; and interim Superintendent Charles H. Boehne. The success would not have been possible without the strong support of the State and local training agencies throughout this Nation, those which Ms. Trench testified to and represents through Oklahoma State University.

We have forged a cost-effective curriculum development and delivery system network throughout this country, and we should not overlook the National Fire Service organizations and the guidance and unwavering support that they have offered to us, this infant academy in its first decade.

The Academy, in many ways, is a post-secondary educational institution, as Mr. Roux, Mr. Neville, and Ms. Trench testified, but our institution was designed by Congress to complement and supplement, not to duplicate, the educational activities of the State and local fire service training systems throughout this Nation. The courses on campus are generally two weeks in duration, and they are attended primarily by career officers because of the time constraint that is involved with the volunteer sector of the fire service community. There are approximately 140 to 150 on-campus deliveries each year, each lasting two weeks, and they are attended by 4,000 to 4,400 personnel and officers.

The exception to the two-week on-campus deliveries is what we term the Volunteer Incentive Program. This is a program that was designed for volunteer officers in recognition of their time constraints. It is a program that starts on Saturday, it bridges the weekend, and it goes night and day for six days of intensive educational opportunity, yet it maintains the integrity and the quality of the course content. Each year, there are approximately 14 course deliveries to over 350 volunteer officers. This has been a successful program.

In addition, on campus educational opportunities include what we call the State Weekend Program, which is a win-win situation for all involved. This year, there have been 21 weekends set aside at the Academy. There are 28 States that participate in this educational opportunity. Many of the States share a specific weekend. For example, Missouri, Kansas, Iowa, and Nebraska send students to the Academy each summer. The Academy provides educational opportunities through a maximum of 10 courses to 200 officers for this particular weekend. But, in total, annually, 4,200 fire officers from throughout the Nation come in for State weekend programs, and over half of these participants are volunteers. They come from North Carolina, South Carolina, Florida, Alabama, the Midwest, all the way over to the Mississippi River and then, just on the other side, the fine State of Missouri, Kansas, and Nebraska, and Iowa.

Through off-campus deliveries to each State in the Union, there are approximately another 8-9,000 personnel who are served through intensive two-day courses. They are offered through the State fire training systems, and provide a maximum opportunity for the volunteers, and of these 9,000 personnel, approximately 46 percent are volunteer fire officers.

Many confuse the fact that they are two days in duration to mean that they have lesser value, and this is not true. What it means is that we must restrict the content and go in depth for 16 hours. This provides an opportunity throughout the Nation for our fire and rescue personnel to benefit from these weekend experiences, but it is doing much more, Mr. Chairman. We are conducting a national education laboratory, something that is often overlooked, and it is a part of the Academy's mission as mandated by Congress.

Within each State in the Union, these courses, which have been designed by the Academy, are offered through State fire training programs, and the same course that is offered in North Carolina and South Carolina is also offered in New York, Maine, and Florida, and then it is revised, and offered again, and then it is revised in preparation for hand-off through the Academy's Train the Trainer Program. It is through this mechanism that we are able to thousands each year, utilizing Academy materials.

We believe that through direct and indirect course deliveries we have made a difference to the Nation's fire service, and the quality and the quantity of the materials and the instruction has been testified to by others over the years.

We make 600 to 650 direct deliveries to over 18,000 officers, and this is possible only through the use of a quality adjunct faculty. The matter of adjunct faculty is a concern, has been an issue of review, and is often a point of disagreement among professionals. It is also a significant interest to this subcommittee, and I will attempt to address and clarify a few points that most frequently come up with regard to how we utilize, select, and evaluate or monitor, if you will, our adjunct faculty.

One concern deals with the issue of why the Academy does not utilize full-time, permanent staff for the delivery of its instructional programs rather than contractor adjunct faculty, and I would remind you again that there are 600 to 650 deliveries, direct deliveries.

The Academy has been authorized 46 full-time, permanent staff. We have 38 on hand. Of these, nine are dedicated to specific curriculum areas. These are program managers, or what we refer to as program chairs. They are totally responsible for curriculum areas, such as hazardous materials, public fire safety education, management science, arson investigation, prevention, to mention only a few.

Each program chair shares in the instructional responsibilities within their respective curriculum area. However, each has a minimum of six course titles that they must manage on and off campus throughout the year.

The primary instructional responsibility, therefore, is carried by our adjunct faculty. It is the program chair's responsibility to assure that the curriculum materials within their areas are technically accurate and complete. It is the program chair's responsibility to monitor the performance of adjunct faculty, and to assure that we have mechanisms and procedures to select and offer the best instructional cadre that we can within our system.

Another issue that has been raised throughout the years that I would like to address briefly is the low bid procedure. While it is true that the services of adjunct faculty are obtained through a low bid, competitive process, it is my opinion that it does not necessarily follow that these deliveries will be inferior or less than desirable.

To come to that conclusion, one must understand and delve deeply into our adjunct recruitment, selection, training, and evaluation process. The adjunct faculty are recruited against an established selection criteria that sets forth the knowledge, skills, and abilities that these individuals must maintain in order to perform adequately for the Academy.

We advertise nationally. Our recruitment strategy includes, but is not limited to, the State fire training systems, the National Volunteer Fire Council, major fire departments throughout this Nation, National Fire Service organizations, colleges and universities, allied professional organizations, minority and female fire service organizations. References are checked against all statements of qualification. A faculty of full-time, permanent staff reviews all statements of qualifications against a pre-established adjunct selection criteria. Their selections are justified to the deputy superintendent who, in turn, recommends a slate to the superintendent for approval. If the superintendent approves, then they are invited for in-service training.

During the in-service training, which lasts at least one week, their technical content and their instructional capability is evaluated. Those who pass this evaluation are forwarded to the superintendent for subsequent appointment to the bid list that is operated through our procurement function. This is a point that is worth noting. Those placed on the competitive bid list are qualified instructors. Some may be more capable than others. Their bids for delivery of instructional services are not a factor of their ability but, rather, their personal decision concerning financial need and desire.

As Mrs. Trench noted, and as I have noted through the years, it is true that there are excellent instructors that we cannot obtain through the current process, because they can demand and obtain a higher salary.

In closing, let me say that I am very proud to be a part of the Academy. I appreciate the opportunity to be here and to be of service to the Nation's fire and rescue staff. The small staff that we have at the Academy is dedicated, they are capable, and they are committed, and the accomplishments we have made have resulted from their efforts.

With the national search for a superintendent under way and with the recent appointment of Mr. Stickney, the director of FEMA, and with Mr. Jennings, the Deputy Director of FEMA, and Mr. Olin Greene, the administrator of the U.S. Fire Administration, we look with optimism at the Academy. We believe the Academy can continue its standards of academic excellence. That is what the fire service expects and has a right to demand.

I thank you for your time and your consideration, and I will be glad to answer any questions you might have.

[The prepared statement of Mr. Casey follows:]

STATEMENT OF

JAMES FAHERTY CASEY

ACTING DEPUTY SUPERINTENDENT

NATIONAL FIRE ACADEMY

OFFICE OF TRAINING

FEDERAL EMERGENCY MANAGEMENT AGENCY

BEFORE

THE SUBCOMMITTEE ON SCIENCE, RESEARCH AND TECHNOLOGY

OF THE

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

UNITED STATES HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 1990

Mr. Chairman, I am James Faherty Casey, Acting Deputy Superintendent of the National Fire Academy (NFA). Although I was only recently appointed to this position, it has been my privilege to be a part of the Academy's management team since 1980. My biographical sketch is attached for the record.

It is an honor to appear before you today to focus on the continuing role of the Academy as we enter the 1990's and embark upon our second decade of providing educational services to the Nation's Fire Service Community.

The Federal Government purchased the site for the National Fire Academy in Emmitsburg, Maryland, in the Spring of 1979. The Emergency Management Institute (EMI) and the United States Fire Administration (USFA) were relocated to the Emmitsburg site within the next few years and the facility became the National Emergency Training Center (NETC).

In ten years of operation, the NFA has gained a national reputation as an institution of academic excellence, dedicated to the legislative mandate of advancing the professional development of the Nation's fire service and allied professionals. The primary community it serves is the 1.3 million firefighters throughout this great Nation, of which approximately 80% are volunteers and the balance are career personnel.

The first class of 27 officers graduated in January 1980 and since that time there have been over 5,600 direct Academy course deliveries to over 157,000 volunteer and career officers throughout the Nation. Also, there have been an additional 70,000 course deliveries to over one and a half million fire and rescue personnel at the state and local levels, by state and local fire service instructors utilizing training materials that have been developed, field tested and handed off through the NFA's Train-the-Trainer Program.

The Academy has made a significant contribution toward assisting with the professional growth of the Nation's fire service. Over the past ten years, 75,000 Academy direct or indirect course deliveries were made to over 1,600,000 fire and rescue personnel. This success was achieved under the able leadership of past Superintendents Dr. B.J. Thompson, Joseph L. Donovan, William M. Neville, Jr. and Deputy Superintendent Charles H. Boehne. This success would not have been possible without the strong support of the State and local fire service training agencies with whom we have forged an effective cost-shared curriculum development and instructional delivery network. Nor should we overlook the national fire service organizations that have provided program guidance and unwavering support.

The Academy is a post-secondary educational institution designed to complement and supplement - not duplicate - the training needs at the local level. The courses on-campus are generally two weeks in duration, and are attended primarily by career officers because the course length makes it difficult for volunteers to participate. Approximately 140 to 150 course deliveries are completed each year, attended by 4,000 to 4,400 officers. The exception to the two week on-campus deliveries is what we term the Volunteer Incentive Program (VIP), which is packaged into six consecutive days of instruction designed to accommodate the Volunteers' time constraints - yet maintain course content integrity and quality. With 14 course deliveries per year to approximately 350 volunteer fire and rescue officers, this has been a very successful program.

In addition, on-campus educational opportunities include the State Weekend Program (SWP). This year 21 weekends have been set aside for fire service personnel from a particular state to attend the on-campus courses. Twenty-eight states participate with some states requesting to share a weekend; for example, Missouri, Iowa, Nebraska and Kansas share a weekend each summer and transport approximately 200 officers from the mid-west. The States' fire training systems request and sponsor the weekends, identify the courses to be offered, and recruit and select the students. The Academy hosts the weekends, provides the instruction and delivers up to ten courses per weekend. Through this joint program initiative another 4,200 personnel have the opportunity to benefit from the on-campus educational experience - over half of the participants in this program are volunteer officers.

Through off-campus Academy deliveries in each State another 8,000 to 9,000 fire service personnel are trained. These are intensive two-day courses, offered on the weekend, to allow maximum opportunity for volunteer personnel attendance; in fact, approximately 46% of attendees are from the volunteer segment of the fire service community.

The off-campus delivery system is a model cost-shared program among the Federal, State and local levels. The State fire training agencies within each of the respective state systems, select up to six Academy courses that they desire to be delivered, as well as the location and date for delivery. They recruit and select the students and provide the training facility, the Academy provides the instructional faculty and the educational materials, and the students pay for their own travel, room and board.

In summary, each year the Academy will deliver approximately 600 to 650 courses to over 18,000 fire, rescue and allied professionals. This is possible only through the use of quality adjunct faculty. The matter of adjunct faculty has been an issue of review, concern and confusion over the years and a significant area of interest to this Subcommittee. I will attempt to address and clarify some of the recurring questions with regard to use of adjunct faculty.

One of the concerns deals with the issue of why the Academy does not utilize full-time permanent staff for the delivery of its instructional programs rather than adjunct faculty.

The Academy has been authorized to use 46 full-time permanent positions. There are nine curriculum areas, including Hazardous Materials, Fire Prevention, Educational Methodology, Arson Investigation, and Management Science. Each curriculum area has a designated program manager whom we refer to as a Program Chair. Each Program Chair shares instructional responsibilities within respective curriculum areas and each has approximately six courses both on-site and off-campus to manage; but the primary instructional responsibilities are fulfilled by adjunct faculty. It is the Program Chairperson's responsibility to assure that curriculum materials for each course are current and technically accurate, to monitor and evaluate adjunct faculty instructional performance, and to assure that through contracting procedures an appropriate level of professional competence and instructional capability is obtained for course delivery.

Another issue that has been raised is the question of whether the instructional performance of adjunct faculty has been less than desirable because adjunct faculty are obtained through a low bid process. While it is true that the services of adjunct faculty are obtained through a low bid competitive process, it does not necessarily follow that these deliveries will be inferior or less than desirable.

For each course of instruction, adjunct selection criteria are established which designate specific knowledge, skill and abilities that adjunct candidates must possess. In addition to advertising in the "Commerce Business Daily," nationwide recruitment strategies are designed that include, but are not limited to, the State's fire training systems, major size fire departments, national fire service organizations, college and university systems, allied professional organizations, minority and female fire service organizations. All statements of qualifications received are reviewed against the established criteria by a faculty review committee. Those that meet the criteria are again screened to assure equitable and balanced geographical representation. Then they are forwarded to the Academy's Superintendent for review and approval. Invitations, based upon qualifications and balanced geographical distribution, are extended to potential adjunct instructors to attend at least a one week, In-Service Training session, during which time content knowledge and instructional capability are evaluated. Interested contractors who successfully complete the in-service training are again reviewed and approved by the Superintendent. They are then placed on the competitive bid list for instructional delivery of the specific course.

Those placed on the competitive bid list are qualified instructors and their bids for delivery of instructional services are not a factor of their ability, but rather their personal decision concerning financial need or desire.

It has been suggested that because travel is a part of a candidate's bid, there may be a built-in advantage for those adjuncts who live on the East Coast. The response to this inquiry must be considered in two parts. First, the off-campus deliveries and second, the resident on-campus deliveries.

Academy off-campus field deliveries, are evenly distributed among the states. As a result, there is a wide geographical distribution of adjunct faculty per course title. Based on a review of successful bidders for the past three years, there does not appear to be a geographical bias in favor of adjunct faculty who live in the Eastern United States.

A review of the data for resident on-campus deliveries for the past three years indicates that a larger percentage of bids were awarded to adjunct faculty who reside east of the Mississippi. During fiscal years 1988, 1989 and 1990, 1,239 instructional assignments were awarded for the delivery of 447 courses on campus. Of this total number 925, or 75%, based on low bid, were awarded to adjunct faculty who live or reside east of the Mississippi River. While this finding is inconclusive, it does appear that the inclusion of travel costs as a part of the adjunct bid package has a negative impact on those residing west of the Mississippi River. Ironically, the data reflects that adjunct faculty who live in the West Coast states of Washington, Oregon and California are not adversely affected because of continuous low cost promotional cross-country airline fares from major West Coast transportation hubs. Discussions are currently underway to achieve a greater geographical spread of those adjuncts who are used to deliver on-campus resident instruction.

In closing, let me say that I am very proud to be a part of the National Fire Academy, and appreciate the opportunity to serve the Nation's fire and rescue community. The small staff at the Academy is a group of dedicated professionals who work long and hard to assure academic excellence. The accomplishments I have listed are the result of their ability and intense commitment, together with the unconditional support of the Nation's fire service.

With the national search for a Superintendent of the Academy underway, and with the recent appointments of Wallace E. Stickney, Director of the

Federal Emergency Management Agency, Jerry D. Jennings, Deputy Director of the Federal Emergency Management Agency, and Olin L. Greene, Administrator of the United States Fire Administration, we at the National Fire Academy are optimistic that the Academy will continue its standards of of academic excellence that the fire service expects and has a right to demand.

Thank you for the opportunity to appear before your subcommittee and I will be pleased to answer any questions you may have.

James Faherty Casey
Acting Deputy Superintendent
National Fire Academy

BIOGRAPHICAL SKETCH

Mr. Casey is currently the Acting Deputy Superintendent of the National Fire Academy (NFA), Emmitsburg, Maryland. However, he has been a member of the Academy's senior management team since 1980. He was selected as Deputy Superintendent, Field Programs Division, in March 1980 and served in that position until August 14, 1988. In that capacity, he was responsible for the design and implementation of a national instructional delivery system; educational and training material development, field test and distribution; providing technical training and educational assistance to State and local fire and rescue service agencies and post-secondary educational institutions; and maintaining programmatic liaison between the Academy and various local State and national fire service organizations.

His current position is Chief, Education Operations Division. In this capacity, his responsibilities include: Management of the delivery of all NFA instructional programs both on- and off-campus, participation in NFA curriculum planning and design and the provision of technical assistance to local and State fire and rescue training agencies.

Prior to becoming a staff member of NFA, Mr. Casey was a Federal career employee with 17 years of professional work experience at the local, regional and national level. He was employed with the U. S. Department of Energy (DOE), Office of Industrial Relations, Washington, D. C. As Chief, Human Resource Development, he was responsible for the development of program policy and initiatives related to planning, coordination, budgeting and evaluation of human resource training program activities conducted by industrial and laboratory contractors within DOE owned facilities.

Attended the University of Missouri and has a Masters of Science Degree in Business Administration. His major areas of study were personnel/industrial relations and minor areas were industrial management and marketing.

Mr. VALENTINE. Thank you, Mr. Casey. We thank all of you very much.

Mr. Casey, do we correctly understand that when the expression, "delivery is one course of instruction delivered to one individual"—that is, two days of instructions to one member of a volunteer fire department?

Mr. CASEY. No, sir. It is two days of instruction to an entire class. It may be 20 or 30 officers in that one delivery; one instructor, two days, 20 or 30 officers.

Mr. VALENTINE. So when you talk in terms of number of deliveries, that does not really tell how many people you reached.

Mr. CASEY. No, sir, it doesn't. Through the 600 deliveries, we reach approximately 18,000 officers.

Mr. VALENTINE. Do you have any way to make a judgment as to whether or not what you do makes a difference?

I do not want to suggest that I or any member of this subcommittee has the feeling that the contribution which this institution makes does not make a difference, but do you have any way to make a determination as to the performance of a volunteer fire department in Arkansas who has never had any dealings with this institution, what their record is with respect to their duties and responsibilities, vis-a-vis a department who comes every year to receive your course of instructions?

Mr. CASEY. Mr. Chairman, I am certainly not in a position to evaluate the performance of a volunteer or a fully paid department somewhere throughout the United States that has not had the opportunity to be at the Academy, because there are many good State and local training programs.

However, I do have indication of the value and the impact of the Academy's performance over the years. One indicator of that success is the backlog of applications for educational opportunities at the Academy. We can accommodate approximately 4,200, and we have over 12,000 applications each year. In addition, we have cost-shared programs. When we go to the field, that means the State fire training programs invest money. They do the recruitment, they do the selection, they put their own personnel in, they provide us a facility. The students pay for their own room and board. We provide the instructions and the materials. It is a combination of complementary resources to achieve a mutual objective. It is cost effective, and each of those parties would not give up their finances if they didn't feel they were receiving value in turn.

Mr. VALENTINE. What are the qualifications for these adjunct professors—adjunct instructors, and are the arrangements made with them through the mail, or are they called in? It would be impractical, I suppose, to ask them to come up for an interview.

Mr. CASEY. You are exactly right.

The adjunct selection criteria—the knowledge, skills, and ability—are set forth for each of the courses, and for each course they differ. We have 43 different course titles, and I'll be glad to submit those selection criteria for the record.

We do advertise nationally with those selection criteria, and then each candidate submits a statement of qualification. Those that we feel meet these qualifications after reference checks of these qualifications, are the ones that are invited to the Academy for further review and evaluation. Perhaps out of a pool of 300 we may invite 20 or 30 for the final, what we call, in-service training to assure they are prepared to instruct these courses.

Mr. **Valentine**. Well, on a related subject, let me ask both of you—Ms. Buchbinder and you, Mr. Casey—we talked about the competition, free and open competition. Mr. Barard has stated that, "We also found that the process used to obtain adjunct faculty was not subject to full and open competition." What do you say about that?

Ms. **Buchbinder**. Let me just comment on one thing. Many of the contracts that we use to obtain adjunct faculty are small purchase orders, which means that you do not, by the procurement jargon, have to obtain, quote, full and open competition; you have to obtain the service, the product, for a reasonable price, so that in some instances we are, if you will, not required to advertise to the world because there may be a very small pool of people who are actually qualified.

On the EMI side of the house—and I'll let Jim deal with the Academy—because of the diversity of the courses that we offer—everything from, how to build an earthquake-resistant building to, how to manage a shelter—on occasion there may not be a lot of people that are qualified for some modules within a course.

For example, if you wanted somebody to talk about the emergency management role at the State level in Hurricane Hugo, you would have a relatively small pool of individuals that might be able to discuss that.

Mr. **Valentine**. What do you say about this statement from the inspector general's report: "At the NFA, the process for developing the list of prospective contractors and bidders was left to the discretion of department managers. Several program managers developed their lists based on recommendations received from other program managers or students. Other program managers developed the list of prospective contractors and bidders by advertising in fire association newsletters and trade magazines. We believe that the latter process complied with the Federal acquisition regulation by providing open competition. However, the former did not"?

Mr. **Casey**. Mr. Chairman, I would like to try and address that.

All of our courses that have a bid list of 20, 30, or 40 qualified adjuncts. Any of them may bid to deliver a course. Now, how do they get on the list? If we are going after a large number, like it is a major revision in a course or a new course, then we advertise nationally, and we do just as I described in my testimony. If, over a period of time, for whatever reason, a number of these adjuncts begin to drop off or not bid aggressively, then on occasion we will appoint one or two people, because we don't have the need to advertise nationally and go out and recruit and train a large cadre again. So this must be a situation which is the exception instead of the rule, that is being referred to.

Mr. **Valentine**. Well, these people—$80 a day was one of the figures that was mentioned, and an adjunct instructor would work for how long on the average?

Mr. **Casey**. On the outreach or field programs, they will work for two days. On-campus, they will work generally for 14 days—or 10 days, rather, for the two-week course. What they receive in the way of compensation in addition to their travel and per diem will vary by what they bid. Some, in fact, will bid $80; others will get $250 or $275 a day, depending on the course and the demand to teach it.

Mr. VALENTINE. And, of course, a person who bids $80 a day—that's less, way less, than the national average for a high school teacher, isn't it?

Mr. CASEY. Yes, sir, it is.

Mr. VALENTINE. Yes, Ma'am.

Ms. BUCHBINDER. Yes. I was just going to say there is somewhat of a difference between the two schools in terms of the length of the adjunct instructor. Most EMI courses are only a week long because of the difference in audience, and we may have a number of adjunct faculty per course. Therefore, on the EMI side of the house, you might have an adjunct who is only teaching for one day or even for half a day.

The amount that the adjunct bids, or their reimbursement, if you will, for their salary is really dependent on that particular adjunct. I mean it is their determination in terms of what they wish to bid.

Mr. VALENTINE. Can you tell us how much is spent on adjunct as opposed to permanent faculty?

Ms. BUCHBINDER. I think I would have to ask to submit that to the record.

Mr. VALENTINE. All right.

[The information follows:]

At the National Fire Academy, management of course development and course management/delivery are carried out by different elements of the organization. Therefore, of the National Fire Academy's staff, the only faculty involved in classroom instruction are the nine "program chairs." The duties of these individuals include a limited amount of classroom time. For 1990, the estimated salaries and benefits for 1990 for these nine employees totals $537,000. During 1990, $890,000 was spent by the Academy for adjunct faculty. $652,000 of this supported the resident courses at NFA, and $238,000 was spent on programs delivered in the field.

At the Emergency Management Institute, all faculty have both development and management/delivery responsibilities. Of the total of 41 EMI staff, 26 have course delivery/management responsibilities. Projected salaries and benefits for 1990 for these individuals amount to $1,148,000. In 1990, $571,000 was spent for adjunct faculty for resident courses. The States, with funding support from FEMA, manage the delivery of EMI courses in the field using instructors trained at EMI.

Mr. **Valentine**. Can you tell us what the Office of Training actually does? It appears to us that what you talked about, Ms. Buchbinder, was, all of this was actually done by the working units under the office. So what does the Office of Training—what do they actually contribute?

Ms. **Buchbinder**. Again, I would just point out that the Office of Training encompasses both schools as well as the three support units; so we have been talking primarily about the two schools, the Fire Academy and EMI. There is also an Operations and Support Division that is responsible for running the facility.

Mr. **Valentine**. Does the Office of Training actually have its own employees?

Ms. **Buchbinder**. We are all Office of Training employees, sir; the Office of Training is the name of the organizational entity. There is an Office of the Director of Training, which has, I think, three FTE. There is a Planning, Development, and Evaluation Division, which has, I think, nine or 10; then there is the Site Support Division that is responsible for maintenance; and then there are the two schools, which are the primary focus of the Office of Training.

Mr. **Valentine**. Well, let me just ask you, Ms. Buchbinder, if you would comment on—you heard the testimony—would you comment on the frustrations that were vented by the preceding witnesses. What about the situation with respect to the air conditioning, and the plumbing, and that sort of thing? What can you tell us about that?

Ms. **Buchbinder**. Well, I am not familiar with the specific instance that Mr. Neville referred to, but let me just comment. In compliance with the policy, started some time ago, to contract out as much as possible—in other words, to shift from having Federal employees do things to, where it is appropriate, have the private sector provide services.

A lot of the support services that we have at the Fire Academy are done through contracts. We have a contract for student support services, we have a contract for maintenance of the facility, we have a contract for security, et cetera. Those contracts are managed by the site support function within the Office of Training.

I suspect what happened in the case of the air conditioning is that the contract manager, the person that was in charge of that contract, was someone other than Mr. Neville, and the way the procurement procedures run, they would have to get authorization to do certain work, and, as I said, I'm not familiar with it.

Working within a bureaucracy, there are certain challenges.

Mr. **Valentine**. Yes, I know. I know. I know.

I have got one or two other questions. Before I get into that, would you, please, Ma'am, get us a list of the Office of Training positions for the record and a list of the employees.

Ms. **Buchbinder**. Okay.

[The information follows:]

NOTES:

Information in first parenthesis denotes position incumbent.

Information in second parenthesis denotes funding source for the position, i.e., T&E for the Training and Education budget activity of the Civil Defense budget, EMI for the Emergency Management Institute budget activity of the Training and Fire Programs budget, and NFA for the National Fire Academy budget activity of the Training and Fire Programs budget. The information has been further defined to indicate those positions funded from the site administration program element in each budget program. The positions not identified as "Site" are under the jurisdiction of the Superintendent of EMI or NFA. NETC Site Administration program resources provide for the cost of operating the National Emergency Training Center (NETC) in Emmitsburg, Maryland, and supporting the educational programs of the National Fire Academy and the Emergency Management Institute. The funding covers the facility costs such as maintenance, security, housekeeping, equipment, rent, and similar costs. Also included are the resources required to operate the learning resource center and the media support activity. The salaries and expenses resources and workyears under NETC Site Administration provide the resources necessary to manage the operation and maintenance of the facility, admission and registration services, procurement, budget and fiscal support, media services, curriculum coordination and long-term evaluation, accreditation coordination, and overall FEMA training program management and coordination in support of the educational programs of EMI and NFA as well as in support of the activities of the United States Fire Administration.

TEMPORARY indicates that the employee has been hired for a specific duration of generally one year or less.

HALF TIME or INTERMITTENT indicates that the employees work less than a 40-hour workweek.

This document includes those positions funded through resources appropriated to the Office of Training in the Federal Emergency Management budget. It does not includes any positions funded from other sources.

The staffing plan may reflect positions in excess of the available workyears. Temporary appointments are used to meet short-term work requirements and utilize workyears made through the lapse in filling vacant positions.

The Office of Training and the United States Fire Administration have been under a mandate from the Senate Appropriations Subcommittee to maintain a staffing level of 140 at Emmitsburg. In order to comply with this mandate, there has been some over hiring or hiring in excess of authorized workyears in anticipation of vacancies occurring.

The following is a staffing plan for the Office of Training. Accompanying the staffing plan is an organization chart which reflects the location of the Office of Training and the National Fire Academy within the overall FEMA organizational structure. Also included is that portion of the FEMA Organization and Functions Manual which reflects the mission and functions of the Office of Training and the various organizational entities within it. This may provide a better understanding of the staffing plan and the relationship between the various entities.

The information is current as of September 30, 1990.

OFFICE OF TRAINING STAFFING PLAN

Office of the Director

ES-340-0	Director (Vacant) (Site NFA)
GM-301-15	Program Coordination Officer (McFerren) (Site NFA)
GS-301-11	Staff Assistant (Lawson) (Site T&E)

Total Authorized Workyears - 3

Program Development and Evaluation Division

GM-301-15	Policy Coordination Officer (Kohl) (Site T&E)
GS-345-14	Program Analysis Officer (Cruickshank) (Site NFA)
GS-1710-13	Education Specialist (Sullivan) (Site NFA)
GS-1710-13	Education Specialist (Baltz) (EMI)
GS-1712-9	Training Specialist (Vacant) (Site T&E)
GS-318-6	Secretary (Berrey) (Site T&E)

Total Authorized Workyears - 6

Education Technology Division

GM-1712-15	Chief (Marshall) (Site NFA)
GM-1001-13	Media Production Officer (Begg) (Site NFA)
GS-1071-12	Television Production Specialist (Ahern) (Site T&E)
GS-1410-12	Librarian (Chiesa) (Site NFA)
GS-1071-12	Audio/Visual Production Officer (Kemenyas) (Site NFA)
GS-334-12	Computer Programmer Analyst (Patterson) (Site NFA)
GS-1020-9	Illustrator (Price) (Site NFA)
GS-1071-11	Television Production Specialist (Downin) (Site T&E)
GS-318-7	Secretary (Wiles) (Site T&E)
GS-303-7	Media Production Assistant (Schaben) (Site NFA)
GS-303-5	Media Assistant (Hildebrand) (Site T&E)

Total Authorized Workyears - 10

NETC Operations and Support Division

Office of the Chief

GM-345-14	Chief (Face) (Site NFA)
GS-343-12	Management Analyst (Kemenyas) (Site NFA)
GS-334-11	Computer Programmer Analyst (Burke) (Site T&E)
GS-335-9	Computer Assistant (Loughrey) (Site NFA)
GS-318-7	Secretary (Mathias) (Site T&E)
GS-322-3	Clerk Typist (Kaas) (Site T&E)

Resource Analysis and Control Branch

GM-345-13	Chief (White) (Site NFA)
GS-345-11	Program Analyst (Long) (Site T&E)
GS-560-11	Budget Analyst (Miller) (Site NFA)
GS-525-6	Accounting Technician (Staufenberg) (Site T&E)
GS-345-7	Program Analyst (Topper) (Site NFA)
GS-503-5	Budget and Accounting Technician (Smith) (Site NFA)

Procurement Branch

GS-1102-12	Chief (Keane) (Site T&E)
GS-1102-12	Contract Specialist (Weakland) (Site NFA)
GS-1102-11	Contract Specialist (Adams) (Site NFA)
GS-1105-7	Purchasing Agent (Redding-Huwig) (Site T&E)
GS-1105-6	Purchasing Agent (Hobbs) (Site T&E) TEMPORARY
GS-1102-5	Contract Specialist (Logue) (Site NFA)
GS-1105-4	Purchasing Agent (Dingle) (Site NFA)

Site Management Branch

GM-1640-13	Chief (Horn) (Site NFA)
GS-301-11	Facility Analyst (Hixon) (Site T&E)
GS-802-11	Engineering Technician (Dice) (Site NFA) TEMPORARY
GS-301-11	Facility Services Analyst (Joy) (Site T&E)
GS-1101-7	Property Management Specialist (Davis) (Site NFA)
GS-303-7	Program Coordination Assistant (Riley) (Site NFA)
GS-303-7	Admissions Assistant (Benjamin) (Site NFA)
GS-303-5	Student Services Assistant (Leslie) (Site NFA)
GS-303-5	Facility Clerk (Shockey) (Site NFA)
GS-322-4	Clerk Typist (Sollenberger) (Site T&E)
GS-322-3	Clerk Typist (Kuhn) (Site NFA)
WG-5703-7	Motor Vehicle Operator (Hooper) (Site NFA) INTERMITTENT

Total Authorized Workyears - 27

National Fire Academy

Office of the Superintendent

ES-1701-0	Superintendent (Vacant) (NFA)
GM-1712-15	Deputy Superintendent (Vacant) (NFA)
GS-345-14	Program Analysis Officer (Ellis) (NFA)
GS-318-8	Secretary (Megles) (NFA)

Education Support Division

GM-1712-14	Chief (Lewis) (NFA)
GS-318-5	Secretary (Stine) (NFA)

Educational Materials Development Branch

GM-1710-13	Chief (Linden) (NFA)
GS-1712-12	Training Specialist (Hartin) (NFA)
GS-1710-12	Education Specialist (Furr) (NFA)
GS-1712-12	Training Specialist (Jacobs) (NFA)
GS-1710-11	Education Specialist (Bloom) (NFA)
GS-303-5	Program Support Clerk (Smith) (NFA)

Educational Planning and Assistance Branch

GM-301-13	Chief (Frank) (NFA)
GS-1712-13	Fire Service Management Specialist (Powell) (NFA)
GS-1710-13	Education Specialist (Kaplan) (NFA)
GS-301-12	Fire Service Management Specialist (Hurley) (NFA)
GS-301-9	Program Support Specialist (Johnson) (NFA)
GS-318-5	Secretary (Haines) (NFA)

Educational Operations Division

GM-301-15	Chief (Casey) (NFA)
GS-318-6	Secretary (Kolb) (NFA)

Fire Prevention Planning and Command Branch

GM-1712-14	Supervisory Training Specialist (Hill) (NFA)
GS-1712-13	Training Specialist (Craig) (NFA)
GS-1712-13	Training Specialist (Manno) (NFA)
GS-1712-13	Training Specialist (Hisley) (NFA)
GS-1712-13	Training Specialist (Covington) (NFA)
GS-1712-13	Training Specialist (McMann) (NFA)
GS-318-5	Secretary (Baker) (NFA)

GS-322-3	Clerk Typist (Ness) (NFA) TEMPORARY

Fire Service Leadership and Hazardous Materials Branch

GM-1712-14	Chief (Kuczma) (NFA)
GS-1712-13	Training Specialist (Bassett) (NFA)
GS-301-13	Training Specialist (Clark) (NFA)
GS-1712-13	Training Specialist (Burkell) (NFA)
GS-1712-13	Training Specialist (Waters) (NFA)
GS-318-5	Secretary (Eiker) (NFA)
GS-303-5	Program Support Clerk (Nocon) (NFA)

Extension Services Branch

GM-1712-13	Chief (Williams) (NFA)
GS-301-11	Field Training Specialist (Ryan) (NFA)
GS-301-11	Field Training Specialist (Ganley) (NFA)
GS-301-9	Field Training Specialist (Davis) (NFA)
GS-301-7	Field Training Specialist (Mood) (NFA)
GS-301-7	Field Training Specialist (Close) (NFA)
GS-303-5	Program Support Clerk (Lambert) (NFA)
GS-318-5	Secretary (Long) (NFA)
GS-322-4	Clerk Typist (Wivell) (NFA)

Total Authorized Workyears - 46

Emergency Management Institute

Office of the Superintendent

ES-1701-0	Superintendent (Buchbinder) (T&E)
GM-1701-15	Deputy Superintendent (Sharro) (T&E)
GM-301-15	Program Officer (Bex) (T&E)
GS-301-11	Emergency Management Specialist (Arnold) (EMI)
GS-345-12	Program Analyst (Harrison) (T&E)
GS-318-7	Secretary (Vestal) (T&E)
GS-318-5	Secretary (Walter) (EMI)

Emergency Management Division

GM-1712-15	Chief (Butler) (T&E)
GS-318-5	Secretary (Virgil) (T&E)
GS-322-4	Clerk Typist (O'Neil) (T&E)

Exercise and Evaluation Group

GM-1712-14	Training Specialist (McDonald) (T&E)
GS-1710-12	Education Specialist (Vogel) (EMI)
GS-1710-12	Education Specialist (Ezersky) (T&E)
GS-1712-12	Training Specialist (Fluman) (T&E)

Information and Technology Utilization Group

GM-1710-14	Education Specialist (Hart) (T&E)
GS-1712-11	Training Specialist (Marlowe) (T&E)
GS-1712-11	Training Specialist (Sawyer) (T&E)

Management and Policy Development Group

GM-1710-14	Education Specialist (Gobel) (T&E)
GS-1710-12	Education Specialist (Callis) (T&E)
GS-1710-11	Education Specialist (Hirt) (T&E)

Technical Programs Division

GM-1712-15	Chief (Gantt) (T&E)
GS-1712-5	Training Specialist (Warehime) (T&E)
GS-318-6	Secretary (Baughman) (EMI)
GS-322-4	Clerk Typist (Carter) (T&E) TEMPORARY

Mitigation and Natural Hazards Group

GS-1710-12	Education Specialist (Bondroff) (T&E)
GS-1712-12	Training Specialist (Bills) (T&E)

Radiological and Hazardous Materials Group

GM-1712-14	Training Specialist (Weaver) (EMI)
GS-301-13	Emergency Management Specialist (Noland) (T&E)
GS-1710-12	Education Specialist (Gerstner) (EMI)

National Security Group

GM-1710-14	Education Specialist (Boven) (T&E)
GS-1710-13	Education Specialist (Chase) (T&E)
GS-1710-13	Education Specialist (Peabody) (T&E)
GS-301-12	Emergency Management Specialist (Chevalier) (EMI)
GS-1710-11	Education Specialist (Zaidel) (T&E)

Field Training and Coordination Division

GM-301-14	Chief (Smith) (T&E)
GS-1710-13	Education Specialist (Harkenrider) (T&E)
GS-1710-13	Education Specialist (Straka) (T&E)
GS-1712-11	Training Specialist (Hernandez) (T&E)
GS-1712-5	Education Technician (Rayfield) (EMI)
GS-303-6	Program Support Assistant (Smith) (EMI) TEMPORARY
GS-303-6	Program Coordination Assistant (Forbis) (T&E)
GS-322-4	Clerk Typist (Keilholtz) (T&E) TEMPORARY

Regional Offices

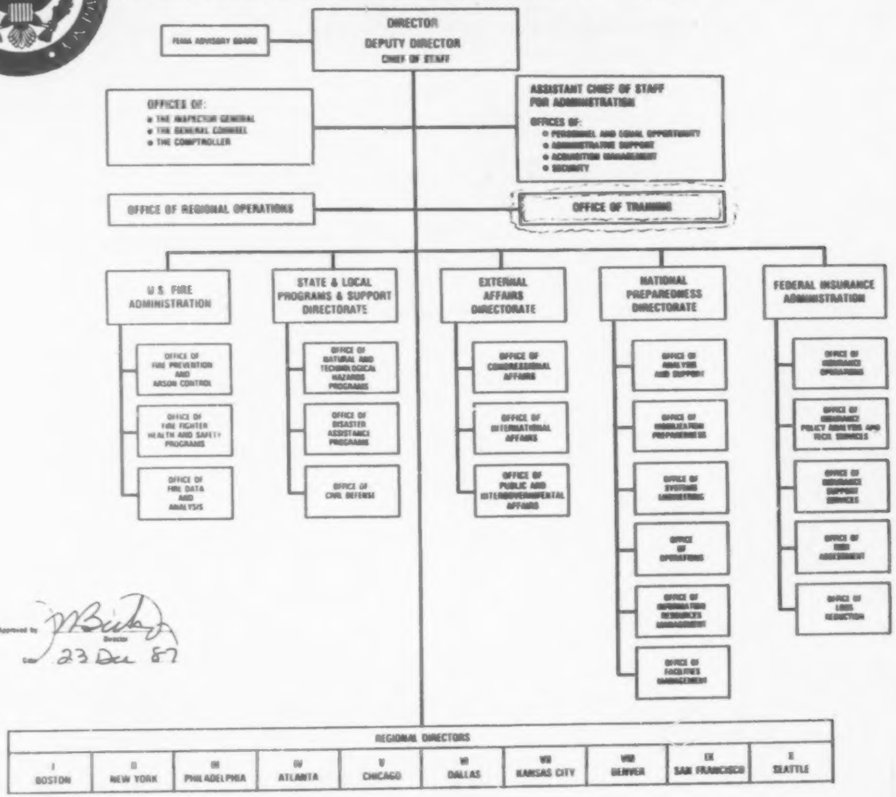
GS-1710-13	Education Specialist (McClure) (T&E)
GS-1712-12	Training Specialist (O'Sullivan) (T&E)
GS-1702-12	Education Program Specialist (Benton) (T&E)
GS-1702-12	Training Specialist (Dombroski) (T&E)
GS-1702-12	Education Program Specialist (Prendergast) (T&E)
GS-1702-12	Education Program Specialist (Bowen) (T&E)
GS-1702-12	Education Program Specialist (Shoemaker) (T&E)
GS-1710-12	Education Specialist (Howell) (T&E)
GS-1702-12	Education Program Specialist (Ashby) (T&E)
GS-1702-12	Education Program Specialist (Welch) (T&E)
GS-303-5	Clerk (Moore) (T&E) HALF TIME
GS-322-5	Clerk Typist (McNiff) (T&E) HALF TIME
GS-322-5	Clerk Typist (Gonzales) (T&E) HALF TIME
GS-322-5	Clerk (Boots) (T&E) HALF TIME

GS-318-5	Secretary (Massey) (T&E) HALF TIME
GS-303-5	Clerk (Allard) (T&E) HALF TIME
GS-303-5	Clerk (Argel) (T&E) HALF TIME
GS-322-4	Clerk Typist (Vacant) (T&E) HALF TIME
GS-322-4	Clerk Typist (Vacant) (EMI) HALF TIME
GS-322-4	Clerk Typist (Vacant) (T&E) HALF TIME

Total Authorized Workyears - 56

January 4, 1988

ORGANIZATION
FEDERAL EMERGENCY MANAGEMENT AGENCY

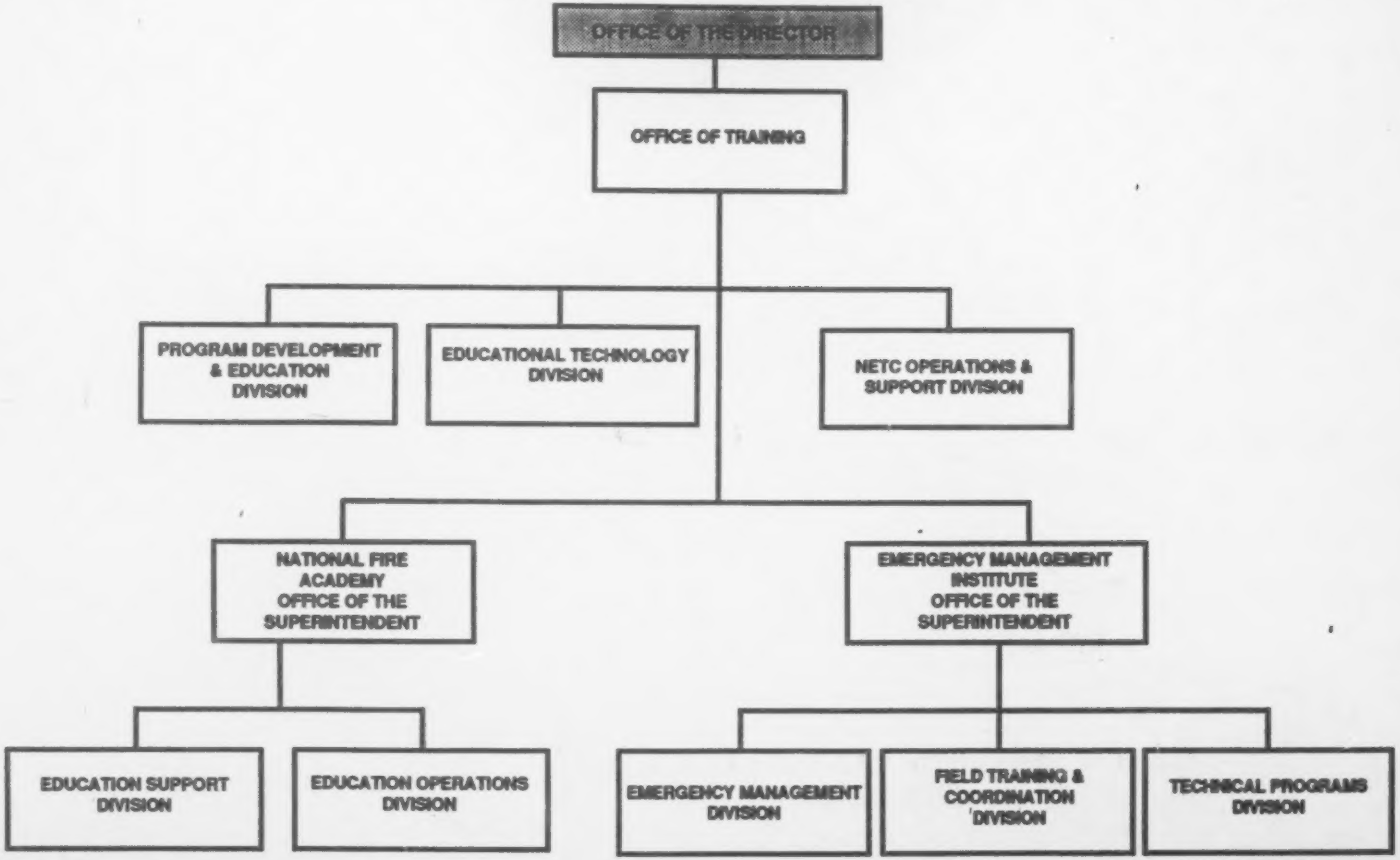

FEMA ADVISORY BOARD
DIRECTOR
DEPUTY DIRECTOR
CHIEF OF STAFF
OFFICES OF:
• THE INSPECTOR GENERAL
• THE GENERAL COUNSEL
• THE COMPTROLLER
ASSISTANT CHIEF OF STAFF FOR ADMINISTRATION
OFFICES OF:
• PERSONNEL AND EQUAL OPPORTUNITY
• ADMINISTRATIVE SUPPORT
• ACQUISITION MANAGEMENT
• SECURITY
OFFICE OF REGIONAL OPERATIONS
OFFICE OF TRAINING
U.S. FIRE ADMINISTRATION
OFFICE OF FIRE PREVENTION AND ARSON CONTROL
OFFICE OF FIRE FIGHTER HEALTH AND SAFETY PROGRAMS
OFFICE OF FIRE DATA AND ANALYSIS
STATE & LOCAL PROGRAMS & SUPPORT DIRECTORATE
OFFICE OF NATURAL AND TECHNOLOGICAL HAZARDS PROGRAMS
OFFICE OF DISASTER ASSISTANCE PROGRAMS
OFFICE OF CIVIL DEFENSE
EXTERNAL AFFAIRS DIRECTORATE
OFFICE OF CONGRESSIONAL AFFAIRS
OFFICE OF INTERNATIONAL AFFAIRS
OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS
NATIONAL PREPAREDNESS DIRECTORATE
OFFICE OF ANALYSIS AND SUPPORT
OFFICE OF MOBILIZATION PREPAREDNESS
OFFICE OF SYSTEMS ENGINEERING
OFFICE OF OPERATIONS
OFFICE OF INFORMATION RESOURCES MANAGEMENT
OFFICE OF FACILITIES MANAGEMENT
FEDERAL INSURANCE ADMINISTRATION
OFFICE OF INSURANCE OPERATIONS
OFFICE OF INSURANCE POLICY ANALYSIS AND TECH SERVICES
OFFICE OF INSURANCE SUPPORT SERVICES
OFFICE OF RISK ASSESSMENT
OFFICE OF LOSS REDUCTION
REGIONAL DIRECTORS
I BOSTON
II NEW YORK
III PHILADELPHIA
IV ATLANTA
V CHICAGO
VI DALLAS
VII KANSAS CITY
VIII DENVER
IX SAN FRANCISCO
X SEATTLE

Approved by
Director
Date 23 Dec 87

Distribution: H(AllPersHqFld)

CHAPTER 11

OFFICE OF TRAINING


OFFICE OF THE DIRECTOR
OFFICE OF TRAINING
PROGRAM DEVELOPMENT & EDUCATION DIVISION
EDUCATIONAL TECHNOLOGY DIVISION
NETC OPERATIONS & SUPPORT DIVISION
NATIONAL FIRE ACADEMY OFFICE OF THE SUPERINTENDENT
EMERGENCY MANAGEMENT INSTITUTE OFFICE OF THE SUPERINTENDENT
EDUCATION SUPPORT DIVISION
EDUCATION OPERATIONS DIVISION
EMERGENCY MANAGEMENT DIVISION
FIELD TRAINING & COORDINATION DIVISION
TECHNICAL PROGRAMS DIVISION

CHAPTER 11

Office of Training

11-1. Mission Statement. As a staff elements within the Office of the Director, the Office of Training is responsible for the coordination and oversight of all program training for the Agency. This includes managing and developing training and/or educational programs across the broad spectrum of emergency management program responsibilities such as flood, civil defense (nuclear attack preparedness), hazardous materials accidents, natural and manmade disasters, continuity of government and other classified national security programs. Additionally, the Office of Training is responsible for fire training programs assigned to the National Fire Academy. The performance of these responsibilities is based on the requirements, guidance and program information developed and approved by the Agency's program Directorates.

11-2. Functional Statements. The functions performed by the Office of Training in support of its mission are as follows:

a. Establishes Agency education and training goals and objectives by reviewing statutes, Executive orders, regulations, policies, Director's guidance papers, environmental constraints, surveys conducted by the office staff, programs office staff, other Federal departments and agencies, State and local administrators, contractor/faculty studies, exercise and symposia results, U.S. fire service statistics on fire fighter injuries, deaths, fire causes, fire losses, and related data, and the planning guidance of the Director, Office of Training.

b. Reviews and sets priorities for education and training goals and objectives against essential agency and programmatic requirements, fiscal constraints, and feasibility, including analysis of organizational impact, staff and faculty availability, administrative/logistical support, and facility as well as budgetary resources.

c. Develops education and training program policies and objectives which will provide the basis for curriculum planning parameters, and develops a long range curriculum plan for FEMA that is implemented by the Office of Training and coordinated with program office multi-year planning and budget documents.

d. Plans, develops, delivers, revises and evaluates courses, seminars, conferences, workshops, exercise and other training activities in support of agency programs in consonance with established training goals and objectives, and ensures compatibility with high academic standards and, where feasible, the latest innovations in deployment and delivery techniques.

e. Serves as the Agency's primary interface with the emergency management and fire service communities for their training programs and activities in terms of developing and providing education and training, systems, materials, programs, research and information as well as technical assistance with educational methodologies and training delivery strategies.

f. Manages and operates the National Emergency Training Center (NETC) facilities occupied by the Emergency Management Institute (EMI), the National Fire Academy (NFA), the Education Technology Division, the NETC Operations and Support Division and the United States Fire Administration (USFA).

11-3. Office of Training Division Elements and Related Functional Statements.

a. Program Development and Education Division.

(1) Serves as an interface with FEMA program offices and provides advice and guidance on training and educational matters, identifies training needs and funding sources, assesses academic resources availability, including training and educational contractual sources, evaluates the cost effectiveness of training delivery approaches; assesses the effectiveness of the training or education provided by applying a wide range of analytical and evaluative techniques and strategies.

(2) Develops policies and procedures for the development, coordination and/or integration of Agency program goals into training requirements.

(3) Analyzes the need for program and planning policies, procedures, guidance, and documents and recommends appropriate action to meet these needs.

(4) Coordinates with the Superintendent of NFA and EMI, an ongoing review of training policy and curriculum design management to assist the Superintendents in ensuring that all training programs of the Agency are in consonance with Agency goals and objectives, program requirements, training needs, and the requirements of specific authorizing legislation. This will avoid overlap of course content, where feasible, and ensure the maintenance of a high academic standard.

(5) Coordinates the employee development responsibilities of the Office of Personnel and Equal Opportunity, develops and administers a program of Agency employee development training, including FEMA intern, individual skills, supervisory and management, and SES training required to comply with OPM directives and Agency needs.

(6) Reviews and analyzes programs and policies, especially as legislative and/or regulatory changes occur, and coordinates subsequent developmental programs regarding curriculum design and deployment strategies.

(7) Initiates, develops, administers, and/or coordinates the analysis of long-range FEMA training requirements and subsequent curriculum planning and development to meet the needs of the Agency's program areas and

conducts long-term evaluation studies to assess overall training program effectiveness and impact.

(8) Provides, in conjunction with the Superintendents of NFA and EMI, recommendations for staffing, funding, and other resource contingency plans, as well as legislative and executive mandates and policies, to formulate and update planning for training activities for national emergencies.

(9) Serves, in conjunction with the Superintendents of EMI and NFA, as the curriculum policy interface with Agency program elements, other Federal agencies, State and local governments, private institutions, associations and post-secondary educational institutions involved in emergency management issues.

(10) Coordinates with the External Affairs Directorate, and develops curriculum within the Five Year Curriculum Management Plan for international training efforts designed to maximize interaction with NATO and other nations on training activities related to such areas as strategic deterrence, international terrorism, and shared interests in natural and technological hazards.

b. Educational Technology Division.

(1) Develops and implements an agencywide consolidated training and education support system designed to provide EMI, NFA, and other Agency training programs with a wide range of support capabilities and high-tech course deployment vehicles in the areas of audio-visual production, graphics and television/telecommunications (video-conferencing).

(2) Develops and administers emergency management career planning and advancement programs providing for individualized diagnostic testing, programs of study, prescription training, exercising, capability assessment and counseling for professionals within the emergency management community.

(3) Administers the office's Learning Resource Center and emergency information collection and clearinghouse programs and designs systems for dissemination of EMI- and NFA-related information consistent with the needs of the office's training programs, and the training programs of EMI and NFA.

(4) Coordinates with Superintendents of EMI and NFA a variety of programs designed to provide Agency training elements with computer assisted instruction and exercising capabilities for use as viable deployment and alternative to traditional training education delivery systems.

(5) Provides public and private sector leaders with a forum to learn, share, and develop Emergency Management Support System technologies and capabilities.

(6) Develops and administers programs to increase the availability of Agency media production, presentations, and services across the nation in support of Agency training and educational goals and objectives.

c. Operations and Support Division.

(1) Manages and coordinates the activities and resources of assigned branches and for providing operational, administrative and support services for the Office of Training and the NETC which is located at Emmitsburg, Maryland. This includes maintaining a close coordination and interface with headquarters elements performing similar functions for the Agency as a whole; i.e., security, training, payroll coordination, procurement, and mail operations.

(2) Provides on-site personnel management support in coordination with the Office of Personnel and Equal Opportunity and monitors the Office of Training's human resources management function.

(3) Conducts policy research and studies to formulate management policy for the Office of Training/NETC.

(4) Plans, coordinates, and provides a management review system to improve the office's efficiency and to ensure the accomplishment of overall operations and mission.

(5) Provides for systematic and timely implementation of all management policies by organizational elements.

(6) Reviews all management and policy statements to ensure that they are in consonance with the goals and objectives established by the responsible program offices.

d. National Fire Academy (NFA).

(1) Serves as the national focal point for advancing the professional development of fire service personnel engaged in fire prevention and control activities. Volunteer and career fire service professionals are provided access to the most recent advances on technology and management perspectives and the NFA also offers education for allied professions--code enforcement, architecture, city management and administration, planning, and emergency medical services.

(2) Revises, improves, and expands curricula to meet national priorities through analysis of student critiques, and consultation with leaders in fire service organizations and the United States Fire Administration.

(3) Provides education, both on campus and at the State and local level, in management technology, fire safety education, instructional methodology, management of emergency operations, executive development, fire code enforcement, arson mitigation and hazardous materials.

(4) Provides education to advance the professional development of fire service personnel and of others engaged in fire prevention and control activities.

(5) Develops and revises curricula standards for admission and performance, and establishes criteria for the awarding of course certifications.

(6) Develops and conducts courses, seminars, workshops, conferences, and similar educational and training experiences at the NETC campus facility in Emmitsburg, Maryland, and at off-campus locations throughout the nation.

(7) Develops model curricula training programs and other educational materials suitable for use at other fire training educational institutions.

(8) Develops and administers a program of continuing education courses to advance the knowledge and skills of fire service personnel that can lead to associate and baccalaureate degrees.

(9) Provides assistance to State and local fire service training programs through cooperative agreements, contracts, or other means.

(10) Encourages the inclusion of fire prevention and detection technology and practices in the education and professional practice of architects, builders, city planners, and others engaged in design and planning.

(11) Encourages new programs and strengthens existing programs of education and training by local fire service units and departments, State and local governments, and private institutions by providing technical assistance and advice to vocational training programs, junior colleges, colleges, and universities.

(12) Coordinates activities within the Office of Training to help FEMA attain its goal of providing comprehensive emergency management training.

(13) Assists other program offices within FEMA to educate the public and to overcome public indifference to fire and fire prevention.

(a) Education Support Division

(i) Conducts needs assessments for curriculum development requirements and develops long range curriculum planning resulting in a five-year curriculum management plan.

(ii) Develops new courses and revises existing courses for both on-campus and off-campus courses, utilizing established professional educational standards.

(iii) Serves as a point of contact on NFA programs for public informational and liaison purposes between the NFA and external groups to respond to inquiries from headquarters personnel, congressional offices, media personnel, constituency groups, and the like, following established agency procedural requirements.

(iv) Administers a program to provide financial assistance to national, State, and local fire service organizations for educational and training program planning, development and implementation.

(v) Administers, supports, and delivers NFA special initiatives, programs, conferences, teleconferences, and seminars such as the Fallen Firefighters Memorial Service, executive forums, fellowship programs, public safety awards, etc.

(vi) Conducts a program of continuing educational opportunity for fire service personnel through a consortium of colleges, universities, community or junior colleges, leading to associate or baccalaureate degrees, including development, revision and evaluation of the college level courses.

(vii) Provides assistance to the Program Development and Evaluation Division for curriculum long range evaluation and other curriculum related projects related to fire programs.

(viii) Provides a point of contact with national accreditational organizations to seek acceptance and continuing accreditation of NFA courses recognized for college credits.

(ix) Supports national public fire safety educational programs designed to educate the public and overcome public indifference to the Nation's fire problems.

(x) Provides for the financial and administrative management of the NFA.

(b) Education Operations Division

(i) Administers the program that delivers all NFA on-campus and off-campus courses and operational exercises.

(ii) Participates in the development of subject matter content for all NFA courses, conferences, seminars, and operational exercises.

(iii) Plans, schedules, and directs the NFA national train-the-trainer instructional workshops and NFA educational material dissemination system to State and local fire training agencies.

(iv) Provides technical advice to other FEMA elements and financial and technical assistance to State and local fire training programs.

(v) Monitors and evaluates all scheduled courses to ensure state-of-the-art curriculum and to identify course revision needs.

(vi) Develops and implements an adjunct faculty in-service training system to ensure instructional delivery of the highest academic standards.

(vii) Develops, implements, and manages technological laboratories, e.g., arson investigation, fire protection systems, and instructional support systems, to supplement on-campus program instruction.

(viii) Provides professional managerial and technical assistance in educational and training areas to State and local fire service organization and individuals, and conducts organizational development consultation and training.

e. Emergency Management Institute (EMI).

(1) Serves as a national focal point for the development and delivery of emergency management training to enhance the mitigation, preparedness, response, and recovery capabilities of Federal, State and local government emergency managers and others in the private sector who have responsibility for serving the public in time of disaster or emergency.

(2) Provides training to State and local government officials and related professions and the management and technical skills required to reduce the probable effects of a nuclear attack on the U.S. population.

(3) Conducts courses, seminars, workshops, operational exercises, and symposia which disseminate FEMA policy and managerial and coordination concepts, which improve emergency response capabilities of individuals nationwide who are engaged in a full range of emergency management responsibilities and activities for space and worktime environments.

(3) Provides instruction for special audiences at the initiation of the Director, FEMA, or the Director, Office of Training, to meet special training objectives that can be best achieved by the institute's training process.

(4) Provides operational FEMA training interface with government, volunteer, and private national and international organizations concerned with comprehensive emergency training management issues.

(5) Monitors recent improvements in instructional techniques and implements new approaches in the conduct of training as appropriate.

(6) Carries out research and analyses as necessary for support of course development in support of FEMA program offices.

(7) Develops and disseminates emergency management training guidance, based on agency training requirements for instruction, to various delivery systems including but not limited to regional support contracts, State Cooperative Agreements, self-study contract managers, and resident training systems.

(8) Establishes and carries out EMI operating policies, which are consistent with Office of Training and FEMA policy and other agency guidance as appropriate.

(9) Plans nationwide training, delivery, and deployment strategies and, as necessary, coordinates with headquarters program offices and the Program Development and Evaluation Division, Office of Training, to ensure the strategies are not in conflict with new delivery policies or guidelines affecting the office.

(10) Coordinates and evaluates all delivery systems of the institute in concert with the evaluation and administrative policies and needs of the Office.

(11) Coordinates and oversees the orderly transfer of newly developed courses through delivery and deployment. Ensures that special programs of the institute are consistent with EMI and NETC policies and are not redundant with existing EMI offerings. Coordinates the development of course and instructional materials with the Program Development and Evaluation Divisions.

(12) Manages all administrative functions within EMI and ensures compatibility of EMI operations with NETC and other FEMA organizational units.

(13) Collects, analyzes, and uses in management and curriculum development information on EMI training activities and materials, short term course evaluation data and field program data. Coordinates within NETC and FEMA on data collections and information.

(14) Provides liaison with other field training systems at State and local levels, including public and private school systems, business and industry, private voluntary agencies involved in emergency management, and national associations representing field units trained through institute programs.

(a) Emergency Management Division.

(i) Develops and delivers all EMI offerings in the area of senior executives skills development, to include the Professional Development Series and all other courses, workshops, and events which focus on generic, comprehensive emergency management skills, and the development, revision, and deployment of related training materials for field courses.

(ii) Develops and manages comprehensive, exercise-based core courses for emergency managers, public officials, States, and local communities and the conduct of exercises, conferences, workshops, courses, and other activities involving members of the emergency management community in simulated situations and requiring participant interaction consonance with the integrated emergency management concept for peace and wartime environments.

(iii) Develops and manages courses and activities related to the use of computers and information management strategies in improving emergency management.

(iv) Serves as the technical/subject matter expert on contracts awarded to develop instructional materials for assigned curricula and training activities.

(v) Conducts seminars, conferences, workshops, and courses in the general areas appropriate to the target audiences and program responsibilities of the division.

(vi) Conducts special offerings as required by the Director, FEMA, or other headquarters program managers when such activities have been approved by the Office of Training.

(vii) Provides subject matter/content expertise on current trends and FEMA policies related to management and organizational development, emergency management computer applications, and exercise-based training and simulations.

(b) Technical Programs Division.

(i) Manages all EMI courses and offerings which establish or enhance specific technical knowledge and skills necessary to fulfill FEMA program responsibilities and serves as the focal point within FEMA programs for implementing offerings supportive of assigned headquarters program training needs, and the development, revision, and deployment of related training materials for field courses.

(ii) Serves as the technical/subject matter expert on contracts awarded to develop instructional materials for assigned curricula and training activities.

(iii) Develops training materials and conducts courses, activities, workshops, seminars, and other offerings required to meet agency objectives for specific skills in emergency mitigation, preparedness, response, and recovery in emergencies resulting from natural, technological and national security hazards.

(iv) Conducts special offerings as required by the Director, FEMA, or other headquarters program managers when such activities have been approved by the Office of Training.

(v) Provides subject matter/content expertise on current research, trends, and FEMA policies regarding emergency operations and mitigation planning, radiological and hazardous materials management, and national security and civil defense issues and concerns.

(vi) Provides training support, as required and mutually agreed upon, to classified national security programs of the Agency.

(c) Field Training and Coordination Division.

(i) Develops policies and guidelines governing the deployment and design of national EMI field training and education program conducted or sponsored by the Agency nationwide.

(ii) Reviews field training directives, program office initiatives, and guidance documents to ensure compatibility with Agency and office goals and objectives, and adherence to established curriculum planning efforts and academic standards.

(iii) Manages the Emergency Management Training (EMT) portion of the FEMA Comprehensive Cooperative Agreements and allocation of EMT funds to Regions and States for the accomplishment of Agency training objectives.

(iv) Coordinates activities of the Field Reporting System (FRS) and the Field Evaluation System (FES) to collect and analyze field training data and coordinates the input of this data to EMI staff for use in course revisions and updates.

(v) Develops and administers a program of EMI home-study courses to advance the skills and knowledge of emergency management and other interested personnel.

(vi) Develops and enforces criteria for standardizing EMI field training activity and implements initiatives to maintain quality of presentation in field activities.

(vii) Manages the Agency's training publications and material dissemination system in support of State and local emergency management training and Agency programs. EXCEPTION: The NFA training publications and material dissemination system is operated in support of State and local fire training programs and shall be managed by NFA.

(viii) Coordinates the development and delivery of special offerings or training activities which require educational expertise but are not appropriate in content or format for development/delivery by other divisions.

Mr. **Valentine**. Ms. Buchbinder, in Mr. Neville's testimony, he referred to section 7 of the Fire Act of 1974 which provides the superintendent of the Fire Academy with the authority to appoint adjunct faculties in concurrence with section 3109 of so-and-so. Does FEMA allow the Academy to use this authority?

Ms. **Buchbinder**. It is my understanding that they do not, and, again, I would like to submit a more complete response for the record, but let me just comment.

It is my understanding that when the—when FEMA was created, that the authorities that were assigned to the various entities that created FEMA, whether it be the National Fire Prevention and Control Administration or the DCPA or the Flood Insurance Administration, were then transferred to the director of the agency, which is consistent, and then that director would determine how those authorities would be carried out.

Therefore, the procurement authorities that were requisite in the various original agencies were provided to the Office of Procurement within the new organization.

[Material referred to above follows:]

Section 7 of the Fire Prevention and Control Act of 1974, Public Law 93-498, provides the Superintendent with specific authority regarding the staffing of the National Fire Academy. Elements of this authority were redelegated by the FEMA Director, consistent with Reorganization Plan No. 3 of 1978, as implemented by Executive Orders 12127 and 12148, to FEMA's Office of Personnel and Equal Opportunity. The Superintendent retains the authority to determine the positions within his organization, to assign duties and responsibilities to these positions, and to select individuals to fill these positions consistent with normal Federal personnel guidelines. A FEMA Office of General Counsel memorandum on this subject is attached.

Ron Face

Federal Emergency Management Agency
Washington, D.C. 20472

AUG 21 1989

MEMORANDUM FOR: Dave McLoughlin
Director
Office of Training

FROM: George W. Watson
Acting General Counsel

SUBJECT: Procurement of Adjunct Faculty at NETC

This is in response to a memorandum of March 27, 1989 from your office concerning the legal authority to obtain adjunct faculty and other services at NETC under the Federal Fire Prevention and Control Act of 1974 (P. L. 93-498; 15 U.S.C. S2201 et seq.) hereafter referred to as "Fire Act". Kay Hutchison, formerly of my staff discussed this matter informally at considerable length with you and your staff and with Ken Brzonkala of Acquisition Management prior to her acceptance of another position at the end of June.

The question as to what the policy and procedures governing the procurement of adjunct faculty course development personnel should be, had previously been discussed between the Office of Acquisition Management and the Office of Training of the National Fire Academy (NFA).

Since 1983, the NFA has utilized a special system of procuring adjunct faculty and course developers. The mechanism essentially is the procurement of services under authority of the Office of Acquisition Management. Available authority under the Fire Act for the direct appointment of faculty and employees was not used. This decision to use the contract route rather than the personnel appointment authority undoubtedly resulted from a variety of factors, such as budget determinations, FTE limitations, or work load in the FEMA Office of Personnel, which, as explained below had the exclusive power to use Fire Act authority for the appointment of faculty and other personnel. In any event, adjunct faculty have been obtained in that way and I have no legal problem with the procedure used.

Your March 27, 1989 memorandum, however, again raises the issue as to whether the Superintendent of the Fire Academy has authority in this arena independent of the FEMA Director. The short answer is no.

Section 7(c) of the 1974 Fire Act granted the following powers to the Superintendent:

> (2) [to] appoint such teaching staff and other personnel sonnel as he(she) determines to be necessary or appropriate; ...
>
> (4) [to] appoint faculty members and consultants without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, with respect to temporary and intermittent services, to make appointments to the same extent as is authorized by section 3109 of title 5, United States Code;
>
> (7) [to] enter into such contracts and take such other actions as may be necessary in carrying out the purpose of the Academy; (emphasis added)

In 1978 Section 201 of Reorganization Plan NO. 3 of 1978, which established the Federal Emergency Management Agency (FEMA) expressly transferred all powers of the Superintendent of the National Fire Academy under the Fire Act, to the FEMA Director.1/ Thus, all powers and authority formerly held by the Superintendent were vested solely in the FEMA Director by operation of law. This has been the consistent opinion of this office over the years.

Following the reorganization, the Director of FEMA delegated all procurement authority to the Director of the Office of Acquisition Management, as follows:

> (c) Notwithstanding any general delegation of statutory authority in this part of another officer of FEMA, if the authority delegated in the general statutory delegation contains procurement authority that authority is delegated solely to the Director, Acquisition Management with authority to redelegate to any employee of FEMA. (emphasis added)

44 C.F.R. §2.67(c)

Thus, any NFA system for procuring adjunct faculty and course developers by a contractual mechanism must operate under the Director's delegations of authority in 44 C.F.R. Part 2.

1/ This section reads as follows: "Section 201—Fire Prevention. There are hereby transferred to the Director [of FEMA] all functions vested in the ... Superintendent of the National Fire Academy ... pursuant to the [Fire Act]."

I turn now to a discussion of the nature of FEMA's authority under the Fire Act and other pertinent laws. The Fire Act grants the power to "appoint" various individuals. The term "appoint" has a specific legal meaning; it refers to the hiring of "employees" within the civil service system. *See* 5 U.S.C. §2105(a). This is a common provision inserted in any act setting up an agency or function. The Fire Act did not convey to NFA any extraordinary hiring authority by this provision, except as discussed below. Exercise of this authority is subject to the generic provisions of Title 5 and to OPM regulations. In FEMA's Delegations of Authority, 44 C.F.R. §2.60, the Director specifically granted the exclusive authority to appoint teaching staff and faculty members referred to in sections 7(c)(2) and (c)(4) of the Fire Act to the Director of the Office of Personnel:

> (b) ... the authority in subsections 7(c)(2) and (c)(4) [of the Fire Act] shall be conducted through the Office of Personnel;"

There is one special personnel authority in the Fire Act; it authorizes the appointment of faculty "outside the competitive service". Although this affords greater flexibility in the selection of individual instructors, actions under it must still be processed as personnel actions. This authority has been delegated to the FEMA Office of Personnel.

Turning to the procurement (as opposed to the appointment) of individuals to serve as NFA adjunct faculty and to provide NFA course development activities, there is for consideration the general rule that all agencies are prohibited by the Federal Acquisition Regulations (FAR) from obtaining personal services under a contractual action, except in very limited circumstances. Part 37.104 of the FAR provides that:

> (a). . . The Government is normally required to obtain its employees by direct hire under competitive appointment or other procedures required by the civil service laws. Obtaining personal services by contract, rather than by direct hire, circumvents those laws *unless Congress has specifically authorized acquisition of the services by contract*. (Emphasis added).
>
> (b) *Agencies shall not award personal services contracts unless specifically authorized by statute (e.g., 5 U.S.C. §3109)* to do so. (Emphasis added).2/

The referenced statute, 5 U.S.C. §3109, governs the temporary or intermittent employment of experts and consultants by contract, and provides as follows:

> (b) When authorized by an appropriation or other statute, the *head of an agency* may procure by contract the temporary (not in excess of 1 year) or intermittent services of

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2/ A "personal service contract" is defined in FAR 37.101 as "a contract that, by its express terms or as administered, makes the contractor personnel appear, in effect, Government employees .... "

> experts or consultants or an organization thereof, including stenographic reporting services. Services procured under this section are without regard to—
>
> > (1)the provisions of this title governing appointment in the competitive service:
> >
> > (2) chapter 51 and subchapter III of chapter 53 of this title [5 USC §§5101 et seq., §5331 et seq.]; and
> >
> > (3) section 5 of title 41 (41 U.S.C. §5] . . . (emphasis added).

Thus, if the "head of the agency" has statutory authority, he or she may contract for temporary personal services without regard to federal regulations governing the appointment of government employees (4 U.S.C. §2105 _et seq._), or the establishment of employee classfication systems and pay schedule rates (5 U.S.C. §5501 _et seq._, 5 U.S.C. §5331 _et seq._), or the requirement to advertise proposals before entering into contracts for supplies or services (41 U.S.C. §5).

Again, this section of the Fire Act is a not an uncommon one. It was intended to trigger the 5 U.S.C. §3109 authority. The Fire Act did not grant any special authority to the Superintendent of the Fire Academy. In any event this authority is in the Director of FEMA. It is merely duplicative of the Director's authority contained annually in appropriations acts (see the Independent Agencies Appropriations Act of 1989, P.L. 100-404, 102 Stat. 1025 (August 19, 1988),

One other section of the Fire Act needs to be discussed. §7(c)(7) grants to the Superintendent of NFA the authority to to enter into contracts "as may be necessary in carrying out the purpose of the Academy." As discussed above, Reorganization Plan No. 3 of 1978 transferred all powers of the Superintendent to the Director. ~~This~~ includes §7(c)(7).

One other point needs to be made. Although the Director has discretion to delegate procurement authority to subelements of FEMA, the actual exercise of authority is defined and limited by innumberable laws and regulations. Not the least of these requirements is that contracting officers must have some knowledge of, and training in these very laws and regulations.

If you have any questions, please advise.

Mr. **Valentine**. FEMA—is it correct that you—they operate the Emergency Management Institute and the operation that we are talking about here, fire?

Ms. **Buchbinder**. Yes.

Mr. **Valentine**. Just those two?

Ms. **Buchbinder**. There are only two schools within FEMA.

Mr. **Valentine**. But there are just these two schools?

Ms. **Buchbinder**. The two schools, yes, sir.

Mr. **Valentine**. All right.

Now, we know that the Fire Academy has been successful in outreach field development and course development over the past, and we are also aware, we think, that after eight years of successful operation in these areas FEMA has downgraded staff positions in both course development and outreach. As a result of these downgrades, the Academy cannot obtain or retain qualified staff for these positions. Can you tell us, what is the rationale for the downgrading of these positions?

Ms. **Buchbinder**. Well, sir, the way the Federal system works, I suppose, is that—

Mr. **Valentine**. And let me fit in, did a comparable downgrade in the outreach and course development of the Emergency Management Institute also occur?

Ms. **Buchbinder**. Sir, as program managers, whether in training or in one of the headquarters offices, we define which functions our staff are to perform. In conjunction with the organizational structure, the determination in terms of which grade level these functions equate to is made by our Office of Personnel, by classifiers. It can be a challenge sometimes, but that is the way the system works.

When the National Fire Academy was organized under the Office of Training and those positions were graded out, they were graded out lower than those at the Emergency Management Institute.

The two schools are organized somewhat differently in terms of how the organizational structure is set up.

Mr. **Valentine**. But for whatever the reason, the fire facility has been downgraded and funds that were intended for that facility have been used for the other one, haven't they?

Ms. **Buchbinder**. No, sir.

In terms of the budget, if you go back to the budget document, the funds that are authorized for instructional program development, delivery, et cetera, for the Fire Academy and for EMI are controlled by and are used for that purpose. In the budget submission, there is a sub-element that relates to site administration, and those funds are used for site administration.

Again, I'd just go back to say that the resources, either personnel or programmatic, are used consistent with the structure in the budget.

Mr. **Valentine**. The Science Committee's Report, 100-589, for fiscal year 1989 through 1991 Authorization—for the Fire Atc directed FEMA to do several things to achieve a more equitable distribution of the costs to support site administration of the training campus. Did FEMA restore the FTE's and the fire funds in response to the committee directives which I referred to?

Ms. **Buchbinder**. Sir, it is my understanding—and, again, I was superintendent of EMI, not in the Office of Training at that time—that FEMA did attempt to respond to the direction in that report.

Mr. **Valentine**. I don't understand what you mean by "attempt."

Ms. **Buchbinder**. It was in the budget submission. We responded by adding or requesting additional FTE, et cetera, for the Fire Academy. The final budget didn't include the report.

Mr. **Valentine**. Well, we are not necessarily talking about the budget, we are talking about an equitable distribution of the costs to support. We are talking about what happens to the money after it is appropriated, after it goes in then for you to handle it.

I don't know that I want to use the expression that I put you on your guard, but we will hand you this question in particular in writing. I would ask you, please, Ma'am, to respond to that in writing, and this part of it also: Has FEMA increased the site administration funding contributed by the Emergency Management Institute to correct the imbalance?

Ms. **Buchbinder**. Not to my knowledge, sir.

Mr. **Valentine**. All right. And is FEMA reprogramming the Fire Administration site administration funds into civil defense funds for fiscal year 1989 and fiscal year 1990? And have you informed this committee of any reprogramming of fire funds?

Ms. **Buchbinder**. In any reprogramming that we do that is subject to Congressional oversight, we would certainly comply with those requirements.

In terms of the reprogramming of funds, I would have to provide that response for the record. I can say that the funds are used for the purpose for which they were appropriated, but I really don't know.

[The information follows:]

Budget program elements for NETC Site Administration exist in four different budget programs and two separate budget activities (Civil Defense and Training and Fire Programs). All resources authorized and appropriated for NETC Site Administration and support are used for that purpose. The redistribution and 1989 reprogrammings have been solely within the NETC Site Administration program elements. These have not affected the resources in, or available to, the National Fire Academy. All redistributions and reprogrammings have been made within the guidelines of the respective appropriations committees.

A summary of those redistributions and reprogrammings within NETC Site Administration follows.

In 1989, $140,000 was redistributed from the NETC Site Administration Salaries and Expenses account under the National Fire Academy budget program of the Training and Fire Programs budget activity to the same account under the Training and Education budget program under Civil Defense. This redistribution was addressed in the 1989 operating plan which was submitted to the Congressional Appropriations Committees. During the course of the fiscal year, the following actions were taken to reprogram NETC Site Administration Salaries and Expenses funds from under the National Fire Academy budget program of the Training and Fire Programs budget activity to the same account under the Training and Education budget program under Civil Defense:

> $9,000 to cover the travel cost for the rotational assignment of an intern assigned to the Office of Training.
>
> $66,000 to cover projected salaries and benefits funding shortfalls
>
> $8,000 to cover the Office of Training share of the cost of converting the payroll system from the Department of the Treasury to the Department of Agriculture

Although the redistribution was addressed in the operating plan, the Chairman of the House Science, Space, and Technology Subcommittee was notified in writing by the Comptroller in a letter dated March 13, 1989.

In 1990, $100,000 was redistributed from the NETC Site Administration Salaries and Expenses account under the National Fire Academy budget program of the Training and Fire Programs budget activity to the same account under the Training and Education budget program under Civil Defense. This redistribution was addressed in the 1990 operating plan which was submitted to the Congressional Appropriations Committees. There has been no reprogramming of funds in 1990.

During development of the 1990 FEMA Operating Plan, $300,000 was redistributed from the Technological Hazards budget activity to the Site Administration element of NFA's budget to correct fire safety deficiencies in its facilities at NETC.

In addition to the formal redistributions discussed above, $70,000 in EMI Salaries and Expense resources and $434,000 in EMI Program dollars were used by the Office of Training to fund NFA initiatives and NETC site enhancements.

The Office of Training is working with the FEMA Office of the Comptroller to ensure that the authorization subcommittee is routinely provided with copies of future FEMA operating plans.

Mr. **Valentine**. All right. Thank you all very much. The subcommittee stands adjourned.

[Whereupon, at 1:00 p.m., the subcommittee was adjourned.]

APPENDIX

SEP 14 1990

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

1329 18th STREET, N.W. • WASHINGTON, D.C. 20036

AREA CODE 202
833-3420

September 6, 1990

The Honorable Tim Valentine
Subcommittee on Science, Research and Technology
Committee on Science, Space and Technology
U.S. House of Representatives
Washington, DC 20515

Dear Representative Valentine:

For your information, I am enclosing a copy of IAFC Resolution 2-90, Reunification of the National Fire Academy, which was adopted by the IAFC membership during our annual conference August 18-22, 1990 in Orlando, Florida.

I am providing you with this document in anticipation of the hearing scheduled for September 13, 1990 at which the FEMA Inspector General will report the findings of the special study of the FEMA Office of Training and National Emergency Training Center the House Subcommittee on Science, Research and Technology. We feel this resolution has direct relevance to the expected proceedings of that hearing.

If you have any questions or require and additional details, please do not hesitate to contact me.

Sincerely,

Garry Briese

Garry L. Briese, CAE
Executive Director

REUNIFICATION OF THE NATIONAL FIRE ACADEMY

RESOLUTION NUMBER: Resolution 2-90

DESCRIPTION: Resolution for the reunification of the National Fire Academy under its lawful place in the U.S. Fire Administration

WHEREAS, Section 7 of Public Law 93-498, the Federal Fire Prevention and Control Act, states, "The Superintendent [of the National Fire Academy] shall be subject to the discretion of the Administrator [of the U.S. Fire Administration]," and;

WHEREAS, despite the provisions of this statute, the preface of the National Fire Academy's Report to Congress is signed by the Director of the Office of Training, created in 1987 as part of the Federal Emergency Management Agency, not by the Administrator of the U.S. Fire Administration, and;

WHEREAS, FEMA's Office of Training has not only violated the letter of the 1974 Fire Act but also slowly undermined the fundamental assumptions on which is was drafted.

NOW THEREFORE BE IT RESOLVED that the International Association of Fire Chiefs, at its 117th Annual Conference held in Orlando, Florida on Tuesday, August 21, 1990, unanimously adopts this resolution urging all Members of Congress to return the National Fire Academy to its lawful position under a strengthened U.S. Fire Administration, and all Fire programs and the monies to control such programs under the control of the U.S. Fire Administration, and;

BE IT FURTHER RESOLVED that the Board of Directors of the International Association of Fire Chiefs direct its Chief Executive Officer to mail a copy of this resolution to each member of Congress and further urges each and every member of this association to make a follow-up contact with their local Senators and Representatives urging this reunification through the House and Senate Appropriations Committees.

Adopted by the IAFC Membership
at the Annual Conference
August 18-22, 1990, Orlando, Florida